

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CE-01-186
)	
UNITED PUBLIC WORKERS,)	ORDER NO. 956
AFSCME, LOCAL 646, AFL-CIO,)	
)	
Complainant,)	ORDER DENYING RESPONDENTS'
)	MOTION TO CONSOLIDATE CASE
and)	NO. CE-01-186 AND CASE NO.
)	CU-01-95
STEVEN K. YAMASHIRO, et al.,)	
)	
Respondents,)	
)	
and)	
)	
WASTE MANAGEMENT OF HAWAII,)	
INC.,)	
)	
Intervenor.)	

ORDER DENYING RESPONDENTS' MOTION TO CONSOLIDATE
CASE NO. CE-01-186 AND CASE NO. CU-01-95

On July 23, 1993, Respondents STEVEN K. YAMASHIRO, et al., by and through their counsel, filed a motion to consolidate Case No. CE-01-186 and Case No. CU-01-95 with the Board. Respondents contend that the matters involve substantially the same parties or issues and that the consolidation of the proceedings would not unduly delay the proceedings.

On July 29, 1993, Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW), by and through its counsel, filed a memorandum opposing Respondents' motion. Complainant argues that the issues and parties in the two cases are not identical and the cases are not at the same stage for presentation to the Board.

On August 3, 1993, the Respondents filed a response to UPW's memorandum in opposition to the motion to consolidate the cases. Respondents correctly argue that the Board's Administrative Rules only require that the parties and issues are substantially the same; identity of parties and issues is not required. Respondents further argue that the issues in the two cases are integrally related and thus, the cases should be consolidated, if not for hearing, then for contemporaneous consideration so that the testimony and documentary evidence in Case No. CE-01-186 could be utilized in Case No. CU-01-95.

While the cases involve substantially the same parties, the Board finds that issues in the cases are distinct and consolidation of the cases is not appropriate because the cases are at different stages of preparation and consolidation would delay the proceedings in Case No. CE-01-186. Accordingly, the motion is denied.

DATED: Honolulu, Hawaii, August 9, 1993.

HAWAII LABOR RELATIONS BOARD


BERT M. TOMASU, Chairperson


RUSSELL T. HIGA, Board Member


SANDRA H. EBESU, Board Member

Copies sent to:
Mark J. Bennett, Esq.
Herbert R. Takahashi, Esq.
Richard M. Rand, Esq.
Joyce Najita, IRC