



EFiled: Apr 22 2016 02:34PM HAST
Transaction ID 58905735
Case No. 2015-40

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

DIRECTOR, DEPARTMENT OF
LABOR AND INDUSTRIAL
RELATIONS,

Complainant,

and

WORLD WIDE WINDOW
CLEANING, INC.,

Respondent.

CASE NO. OSH 2015-40

ORDER NO. 789

PRETRIAL ORDER

PRETRIAL ORDER

Pursuant to the initial/settlement conference (conference) held in this matter by the Hawaii Labor Relations Board (Board) on April 22, 2015 and attended by

Complainant's Representative Herbert B.K. Lau, Deputy Attorney General

Respondent's Representative Dave Anderson, World Wide Window Cleaning,
Vice President

The issues in this case are contained in the Notice of Contest and, if any, any other issues included in the Complainant's Initial/Settlement Conference Statement and Complainant's March 31, 2016 Status Letter filed herein. The Board has not received Respondent's Initial/Settlement Statement or Respondent's Status Letter.

IT IS HEREBY ORDERED THAT:

Pursuant to Hawaii Revised Statutes (HRS) §§396-3, 396-11 and 396-11.5, the Board sets the following deadlines and hearing dates:

Deadline to file the identification of live witnesses.

May 20, 2016

By this date, each party shall provide the other party and the Board with a list of the names of witnesses it plans to call at trial, along with the address of each witness and the general subject to which the witness will testify.

Discovery Cutoff Date.

June 20, 2016

All discovery will be completed by this date. The parties are not required to file motions to permit discovery. Discovery will be controlled by the Hawaii Rules of Civil Procedure.

Deadline for Parties to Exchange Exhibit Lists:

July 13, 2016

The HIOSH investigative report, not the entire file, shall be marked as Complainant's Exhibit 1. In identifying exhibits, Complainant shall use numerical designations 1-2-3-4, etc. to identify its exhibits and Respondent shall use alphabetical letters A-B-C-D, etc. to identify its exhibits.

Deadline to file & exchange Copies of Proposed Exhibits.

July 18, 2016

- a. If a party is utilizing the File & ServeXpress (FSX) e-filing system to file their proposed exhibits; then the party shall electronically serve any opposing party registered with FSX; provide to the Board one (1) hard copy of their exhibits for use by the witness during the hearing; and deliver a copy to each opposing party not registered with FSX; or
- b. If a party is not utilizing the File & ServeXpress eFiling system, then said party shall deliver one (1) hard copy of its proposed exhibits to each opposing party; to the Board for the the witness during the hearing; and provide the Board with one (1) pdf copy of the exhibits in one file and bookmarked, or in individual files.

Hearing Date, Time and Place._____

**July 20, 2016
at 9:00 a.m.**

Trial in this matter will be held in the Board's hearing room located at 830 Punchbowl Street, Room 434, Honolulu, Hawaii, 96813 as stated.

The trial may be continued by the Board until completed.

Due to budget restraints, the Board will not provide a court reporter for these proceedings. Instead, the proceedings will be tape recorded, and if the case is appealed the recording will be transcribed for the certified record on appeal pursuant to HRS Section 91-9(f). The parties may agree to have a certified stenographic reporter at (a) all motions hearings and conferences (held on the record), and (b) the hearing on the merits, to record the same (the transcripts being the official record of the hearings), and to share the cost equally. The transcripts shall be filed with the Board and each party shall be served with a copy of the transcripts. However, unless all parties stipulate to designating the court reporter as the official record of these proceedings, the official record shall be the Board's tape recording of the proceedings.

Auxiliary aids and services are available upon request; call Nora Ebata at (808) 586-8610, (808) 586-8847 (TTY), or 1 (888) 569-6859 (TTY neighbor islands). A request for reasonable accommodations should be made no later than ten working days prior to the needed accommodation.

Hereafter, this Pretrial Order shall control the course of proceedings including any scheduled trial date, and may not be amended except by a request by a party with written consent of the parties and the Board, or by an order granting a motion filed with the Board.

OSH 2015-40 Director, DLIR and WORLD WIDE WINDOW CLEANING, INC.,
ORDER NO. 789 PRETRIAL ORDER

DATED: Honolulu, Hawaii, April 22, 2016

HAWAII LABOR RELATIONS BOARD


KERRY M. KOMATSUBARA, CHAIR

Sesnita A. D. Moepono
SESNITA A.D. MOEPONO, MEMBER

Rock B. Ley
ROCK B. LEY, MEMBER

NOTICE TO EMPLOYER.

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees, if any, at least five working days prior to the trial date.

cc:

Copy sent by priority mail to Respondent's Representative, Trevor Ozawa, Esq.

Copy sent by departmental mail to the Complainant's Representative, Herbert B.K. Lau,
Deputy Attorney General