

STATE OF HAWAI'I
HAWAI'I LABOR RELATIONS BOARD

In the Matter of

UNITED PUBLIC WORKERS,
AFSCME, LOCAL 646, AFL-CIO,

Complainant,

and

MICHAEL FUJIOKA, Department
of Human Resources Development,
Employee Claims Division, State of
Hawai'i and RYKER WADA,
Director, Department of Human
Resources Development, State of
Hawai'i,

Respondents.

CASE NO. CE-10-761

ORDER NO. 3470

ORDER GRANTING
COMPLAINANT'S MOTION TO
EXTEND DEADLINE TO FILE
OPPOSITION TO RESPONDENTS'
MOTION TO DISMISS

ORDER GRANTING COMPLAINANT'S MOTION TO EXTEND
DEADLINE TO FILE OPPOSITION TO RESPONDENTS' MOTION TO DISMISS

On March 1, 2019, Respondents MICHAEL FUJIOKA, Department of Human Resources Development, Employee Claims Division, State of Hawai'i and RYKER WADA, Director, Department of Human Resources Development, State of Hawai'i (collectively Respondents), filed Respondents' Motion to Dismiss Prohibited Practice Complaint Filed June 29, 2010 (Motion to Dismiss) with the Hawai'i Labor Relations Board (Board).

Hawai'i Administrative Rules (HAR) § 12-42-8(g)(3)(C)(iii) provides that "Answering affidavits, if any, shall be served on all parties and the original...shall be filed with the board within five days after service of the motion papers, unless the board directs otherwise."

On March 7, 2019, Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW or Complainant) filed Complainant's Motion to Extend Deadline to File Opposition to Respondents' Motion to Dismiss (Motion to Extend) requesting that the deadline to file the Complainant's Opposition be extended to March 18, 2019. In support of the Motion to Extend, UPW attached, among other things, the Declaration of Herbert Takahashi and Attachment 2, a copy of an e-mail from Deputy Attorney General James E. Halvorson, who represents the Respondents. In his Declaration, Mr. Takahashi states that the UPW requests additional time to submit the Complainant's Opposition because of Mr. Takahashi's numerous briefs, motions, and hearings which are due from now to March 14, 2019 and his inability to prepare and file a memorandum in opposition until March 18, 2019. Mr. Halvorson's e-mail confirms that he has no objection to the filing of the Opposition on March 18, 2019.

Based on the Mr. Takahashi's Declaration and Respondents' lack of objection, the Board grants UPW's Motion to Extend and in accordance with HAR § 12-42-8(g)(C)(iii), directs that Complainant's Opposition be filed by March 18, 2019 at 4:30 p.m.

DATED: Honolulu, Hawai'i March 7, 2019.



MARCUS R. OSHIRO, Chair

SESNITA A.D. MOEPONO, Member

J.N. MUSTO, Member

Copies sent to:

Herbert R. Takahashi, Esq.

James E. Halvorson, Deputy Attorney General