

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

DANIEL EDWARD PARKER,

Complainant,

and

UNITED PUBLIC WORKERS,
AFSCME, LOCAL 646, AFL-CIO; and
DEPARTMENT OF PUBLIC SAFETY,
State of Hawai'i,

Respondents.

CASE NOS. 18-CU-10-370
19-CE-10-923

ORDER NO. 3484

ORDER GRANTING IN PART, AND
DENYING IN PART, UNION
RESPONDENT'S MOTION TO
WITHDRAW EXHIBITS ON OR
BEFORE MAY 13, 2019

ORDER GRANTING, IN PART, AND DENYING, IN PART, UNION
RESPONDENT'S MOTION TO WITHDRAW EXHIBITS ON OR BEFORE MAY 13, 2019

On April 3, 2019, Respondent UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) filed Union Respondent's Motion to Withdraw Exhibits and Replace Exhibits on or Before May 13, 2019 (Motion). The Motion requested permission for the UPW to withdraw its exhibits and replace them with exhibits that are Bates stamped on the upper right corner, beginning from number 00348. UPW's Motion also requested the submission of additional exhibits, identified as "notes of [UPW] business agent Julie Miyagawa and other documents referenced in the cross-examination of Daniel Parker on April 2, 2019."

On April 5, 2019, the Complainant DANIEL EDWARD PARKER (Complainant or Parker) filed a Memorandum in Opposition to UPW's Motion. The Complainant did not object to UPW resubmitting its previously submitted exhibits to include the Bates stamps but did object to UPW's request to submit the additional exhibits. Complainant argued that there was a March 19, 2019 deadline to submit exhibits and that the Motion was, in fact, a motion for leave to file additional, previously undisclosed exhibits without any explanation of the basis for the submission of additional exhibits at this stage of the proceedings. Further, the Complainant stated, among other things, that the Complainant would be prejudiced by the submission of new exhibits at this point in the proceedings. In support, Complainant asserts that if the exhibits had been previously

disclosed, additional questioning or subpoenas of Maui witnesses could have been done during the Hearing on the Merits on Maui.

The Employer did not file a response to the Motion to Reconsider within five days after the service of the Motion¹.

ORDER

Based upon the pleadings and record in this case, the Board hereby:

- 1) Grants the Union Respondent's Motion regarding the request to withdraw its previously submitted exhibits and replace with copies of the identical exhibits, which include Bates stamps on the upper right corner, beginning with the number 00348; and
- 2) Denies the Union Respondent's Motion regarding the request to submit any additional exhibits.

DATED: Honolulu, Hawai'i, April 15, 2019.

HAWAI'I LABOR RELATIONS BOARD



MARCUS R. OSHIRO, Chair



SESNITA A.D. MOEPONO, Member



J.N. MUSTO, Member



Copies sent to:

Richard B. Rost, Esq.

Herbert Takahashi, Esq.

James E. Halvorson, Deputy Attorney General

¹ Hawai'i Administrative Rules § 12-42-8(g)(3)(C)(iii) states in relevant part:

Answering affidavits, if any, shall be served on all parties and the original and five copies, with certificate of service on all parties, shall be filed with the board within five days after service of the motion papers, unless the board directs otherwise.