

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

CRAIG PINKNEY,

Complainant,

and

DEPARTMENT OF PUBLIC SAFETY,
HAWAII COMMUNITY CORRECTIONAL
CENTER, State of Hawaii,

Respondent.

CASE NO.: 17-CE-10-900

ORDER NO. 3554

ORDER GRANTING COMPLAINANT'S
MOTION TO WITHDRAW THE
DOCUMENT INCORRECTLY FILED AS
COMPLAINANT'S MEMORANDUM IN
OPPOSITION TO UNION RESPONDENT'S
OPPOSITION TO CRAIG PINKNEY'S
MOTION TO ISSUE SUBPOENA DUCES
TECUM FILED JUNE 10, 2019, FILED
JUNE 14, 2019 UNDER FILE &
SERVEXPRESS TRANSACTION NO.
63477696

In the Matter of

CRAIG PINKNEY,

Complainant,

and

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

Respondent.

CASE NO.: 17-CU-10-356

ORDER GRANTING COMPLAINANT'S MOTION TO WITHDRAW THE
DOCUMENT INCORRECTLY FILED AS COMPLAINANT'S MEMORANDUM
IN OPPOSITION TO UNION RESPONDENT'S OPPOSITION TO CRAIG
PINKNEY'S MOTION TO ISSUE SUBPOENA DUCES TECUM FILED JUNE 10, 2019,
FILED JUNE 14, 2019 UNDER FILE & SERVEXPRESS TRANSACTION NO. 63477696

On June 25, 2019, Complainant CRAIG PINKNEY (Complainant or Pinkney) filed Complainant's Motion to Withdraw the Document Incorrectly Filed as Complainant's Memorandum in Opposition to Union Respondent's Opposition to Craig Pinkney's Motion to Issue Subpoena Duces Tecum Filed June 10, 2019, Filed June 14, 2019 Under File & ServExpress Transaction No. 63477696 (Motion to Withdraw) with the Hawai'i Labor Relations Board (Board). Complainant attached the Declaration of Christine L. Periatt (Declaration and Ms. Periatt, respectively) to the Motion to Withdraw.

In the Declaration, Ms. Periatt identifies herself as an employee of Pinkney's counsel Ted H.S. Hong. Ms. Periatt declares that, on June 25, 2019, she was uploading documents to the file with the Board for two different cases, including the instant case. Ms. Periatt states that she "accidentally attached the document previously uploaded in [a separate] case[]" under File & ServExpress Transaction No. 63477696, rather than the proper document, namely Complainant's Memorandum in Opposition to Union Respondent's Opposition to Craig Pinkney's Motion to Issue Subpoena Duces Tecum Filed June 10, 2019, filed June 14, 2019. She further declared that the proper document was uploaded and filed under File & ServExpress transaction No. 63477716.

The Respondents failed to respond to the Motion to Withdraw within the time provided for response by Hawai'i Administrative Rules § 12-42-8(g)(3)(C)(iii).¹

Based on the foregoing, the Board grants the Motion to Withdraw.

DATED: Honolulu, Hawai'i, _____ August 28, 2019 _____.

HAWAI'I LABOR RELATIONS BOARD



MARCUS R. OSHIRO, Chair



SESNITA A.D. MOEPONO, Member



N. MUSTO, Member



Copies sent to:
Ted H.S. Hong
Henry S. Kim, Deputy Attorney General
Herbert R. Takahashi, Esq.

ⁱ HAR § 12-42-8(g)(3)(C)(iii) states:

(iii) 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.

(Emphasis added)

PINKEY v. UPW, CASE NO. 17-CU-10-356
PINKEY v. DPS, et al., CASE NO. 17-CE-10-900
ORDER GRANTING COMPLAINANT'S MOTION TO WITHDRAW THE DOCUMENT
INCORRECTLY FILED AS COMPLAINANT'S MEMORANDUM IN OPPOSITION TO
UNION RESPONDENT'S OPPOSITION TO CRAIG PINKNEY'S MOTION TO ISSUE
SUBPOENA DUCES TECUM FILED JUNE 10, 2019, FILED JUNE 14, 2019 UNDER FILE &
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