

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

PATRICK J. GALLAGHER,

Complainant,

and

BOARD OF WATER SUPPLY, City and  
County of Honolulu,

Respondent.

CASE NO(S). 19-CE-03-931

ORDER NO. 3556

ORDER GRANTING, IN PART, AND  
DENYING, IN PART, RESPONDENT'S  
MOTION TO SET A HEARING DATE FOR  
THE BOARD TO ACCEPT RECORDS  
PURSUANT TO A SUBPOENA DUCES  
TECUM TO BE SERVED ON THE  
HAWAII GOVERNMENT EMPLOYEES  
ASSOCIATION

ORDER GRANTING, IN PART, AND DENYING, IN PART, RESPONDENT'S  
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TO ACCEPT RECORDS PURSUANT TO A SUBPOENA DUCES TECUM  
TO BE SERVED ON THE HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

On August 23, 2019, Respondent BOARD OF WATER SUPPLY, City and County of Honolulu (BWS) filed with the Hawai'i Labor Relations Board (Board) Respondent's Motion to Set a Hearing Date for the Board to Accept Records Pursuant to a Subpoena Duces Tecum to be Served on the Hawaii Government Employees Association (Motion to Set Hearing).

Complainant PATRICK J. GALLAGHER did not respond to the Motion to Set Hearing within the time provided for response in Hawai'i Administrative rules § 12-42-8(g)(3)(C)(iii)<sup>1</sup>.

On August 23, 2019, the Board issued Order No. 3553, Pretrial Order and Notices, which, among other things, noticed a hearing on dispositive motions and hearing on the merits on October 11, 2019 at 9:00 a.m. The Board set no other hearing dates in Order No. 3553.

The Board, therefore, GRANTS the Motion to Set Hearing, in part, and will issue the subpoena duces tecum previously submitted by BWS for October 11, 2019 at 9:00 a.m. However, the Board DENIES the Motion to Set Hearing, in part, as the Board will not set a separate hearing date solely for the purpose of receiving documents.

DATED: Honolulu, Hawai'i, September 10, 2019.

HAWAI'I LABOR RELATIONS BOARD



*Marcus R. Oshiro*

MARCUS R. OSHIRO, Chair

*Sesnita A. D. Moepono*

SESNITA A.D. MOEPONO, Member

*J. N. Musto*

J. N. MUSTO, Member

Copies sent to:

Patrick J. Gallagher, Self-Represented Litigant  
Sarah T. Casken, Deputy Corporation Counsel

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<sup>1</sup> Hawai'i Administrative Rules § 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)

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