

STATE OF HAWAI'I

HAWAI'I LABOR RELATIONS BOARD

In the Matter of

INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION ("ILWU"), LOCAL
142,

Complainant,

and

HAWAIIAN MACADAMIA NUT
SERVICES, LLC (KĀ'U DIVISION),

Respondent.

CASE NO(S). 2019-15 (CE)

ORDER NO. 3558

ORDER GRANTING, IN PART,
COMPLAINANT ILWU LOCAL 142'S
MOTION TO RESCHEDULE
PREHEARING CONFERENCE, PRETRIAL
CONFERENCE AND HEARING ON
DISPOSITIVE MOTIONS, AND HEARING
ON THE MERITS; NOTICE OF
PREHEARING CONFERENCE

ORDER GRANTING, IN PART, COMPLAINANT ILWU LOCAL 142'S
MOTION TO RESCHEDULE PREHEARING CONFERENCE,
PRETRIAL CONFERENCE AND HEARING ON
DISPOSITIVE MOTIONS, AND HEARING ON THE MERITS

On August 30, 2019, Complainant INTERNATIONAL LONGSHORE AND WAREHOUSE UNION ("ILWU"), LOCAL 142 (ILWU) filed the instant unfair labor practice complaint (Complaint) with the Hawai'i Labor Relations Board (Board).

On September 3, 2019, the Board issued Order No. 3555, Pretrial Order and Notices, which, among other things, informed Respondent HAWAIIAN MACADAMIA NUT SERVICES, LLC (KĀ'U DIVISION) (Respondent or Hawaiian Mac Nut) of the filing of the Complaint and scheduled certain hearing dates and deadlines.

On September 4, 2019, ILWU filed Complainant ILWU Local 142's Motion to Reschedule Prehearing Conference, Pretrial Conference and Hearing on Dispositive Motions, and Hearing on the Merits (Motion to Reschedule), stating, among other things, that ILWU's counsel, Lowell K.Y. Chun-Hoon (Chun-Hoon) has scheduling conflicts with certain dates set forth in Order No. 3555. ILWU also agreed to waive the 40-day requirements of Hawai'i Administrative Rules (HAR) §

12-41-7, mandating that the HOM “be held no less than ten nor more than forty days after the filing of the complaint or amendment thereof...” if necessary for rescheduling purposes.

On September 16, 2019, Hawaiian Mac Nut filed Hawaiian Macadamia Nut Services, LLC’s *Joinder* in Complainant ILWU Local 142’s Motion to Reschedule Prehearing Conference, Pretrial Conference, Hearing on Dispositive Motions, and Hearing on the Merits Filed 9/04/19 (Hawaiian Mac Nut Joinder), also asking to continue certain dates set forth in Order No. 3555. That same day, Hawaiian Mac Nut filed the Declaration of Paul M. Saito in Support of Hawaiian Macadamia Nut Services, LLC’s *Joinder* in Complainant ILWU Local 142’s Motion to Reschedule Prehearing Conference, Pretrial Conference, Hearing on Dispositive Motions, and Hearing on the Merits Filed 9/04/19 (Saito Declaration). In the Saito Declaration, Hawaiian Mac Nut also agreed to waive the 40-day requirements of HAR § 12-41-7.

ORDER

Accordingly, the Board GRANTS, in part, ILWU’s Motion to Reschedule and will reschedule the Prehearing Conference scheduled for September 19, 2019 at 9:00 a.m. in Order No. 3555. The Board further suspends all other dates and deadlines set forth in Order No. 3555.

NOTICE OF PREHEARING CONFERENCE

NOTICE IS HEREBY GIVEN that the Board will conduct a Prehearing Conference on the date listed below and in the Schedule of Deadlines and Hearing Dates (Schedule) in this document.

DATE AND TIME: September 24, 2019 at 9:00 a.m.

LOCATION: Hawai‘i Labor Relations Board Hearing Room
830 Punchbowl Street – Room 434
Honolulu, Hawai‘i 96813

The purpose of the Prehearing Conference is to clarify the issues, if any; to the extent possible, to reach an agreement on facts, matters, or procedures that will facilitate and expedite the hearing or adjudication of the issues presented; to establish deadlines for prehearing briefing; to identify witnesses and file applications for the issuance of subpoenas; and for such other matters as may be raised.

All parties have the right to appear at the Prehearing Conference in person or telephonically and to be represented by counsel or any other authorized person. Auxiliary aids and services are available upon request to the parties and representatives with disabilities. For TTY, dial 711, then

ask for (808) 586-8616, the Hawai'i Labor Relations Board, within seven (7) days prior to a Board proceeding. For any other accommodation, please call the Board at (808) 586-8616.

DATED: Honolulu, Hawai'i, September 17, 2019.

HAWAI'I LABOR RELATIONS BOARD



MARCUS R. OSHIRO, Chair

SESNITA A.D. MOEPONO, Member

J.N. MUSTO, Member

Copies sent to:

Lowell K.Y. Chun-Hoon, Esq.

David F.E. Banks, Esq.

Paul M. Saito, Esq.