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Transaction ID 66582683
Case No. CE-01-539**

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

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

Complainants,

and

CHRISTINA KISHIMOTO, Superintendent,
Department of Education, State of Hawai'i;
and CONNECTIONS, A NEW CENTURY
PUBLIC CHARTER SCHOOL,

Respondents.

CASE NOS. CE-01-539

ORDER NO. 3741

ORDER GRANTING UNION'S MOTIONS
TO WITHDRAW AND STRIKE, FILED ON
APRIL 19, 2021 AND APRIL 23, 2021

**ORDER GRANTING UNION'S MOTIONS TO WITHDRAW AND STRIKE,
FILED ON APRIL 19, 2021 AND APRIL 23, 2021**

On February 25, 2021, Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) filed a Union's Exhibit List with an Exhibit K (Original Exhibit K).

On April 16, 2021, UPW filed an amended Exhibit K (Amended Exhibit K).

On April 19, 2021, UPW filed a motion to withdraw and strike the Original Exhibit K and replace with the Amended Exhibit K from the record and public record (First Motion to Withdraw/Strike and Replace). In UPW's First Motion to Withdraw, UPW's counsel represented that Respondent[s'] CHRISTINA KISHIMOTO, Superintendent, Department of Education, State of Hawai'i; and CONNECTIONS, A NEW CENTURY PUBLIC CHARTER SCHOOL (Respondents) counsel James Halvorson (Mr. Halvorson) had no objection to the withdrawal and striking of the Original Exhibit K and the replacement with the Amended Exhibit K or consideration of the motion without a hearing.

Because the representation of UPW's counsel was not supported by a declaration or other evidence in support of the First Motion to Withdraw/Strike and Replace, the Board decided to allow Respondents' counsel five days under Hawai'i Rules of Administrative Procedure (HAR) §

12-42-8(g)(3)(C)(iii)ⁱ to respond to the First Motion to Withdraw/Strike and Replace. Mr. Halvorson filed no response within the required five days.

On April 23, 2021, UPW filed a motion to withdraw and strike the Union's Exhibit List and exhibits, filed on February 25, 2021 (Second Motion to Withdraw/Strike and Replace), in their entirety, from the record and public record and replace with a Union's Exhibit List and attached exhibits filed with this Second Motion to Withdraw/Strike and Replace. UPW further withdrew the First Motion to Withdraw/Strike and Replace. In this Motion, UPW's counsel represented that Mr. Halvorson had no objection to the replacement. However, as with the First Motion to Withdraw/Strike and Replace, in the absence of a declaration or further supporting evidence, the Board allowed the five days under HAR § 12-42-8(g)(3)(C)(iii) for Mr. Halvorson to respond. Mr. Halvorson filed no response within the five days.

Based on the lack of objections from Respondent's counsel and the reasons set forth in the Second Motion to Withdraw/Strike and Replace, the Board grants the Second Motion. Therefore, the First Motion to Withdraw/Strike and Replace is deemed withdrawn. Further, the Union's Exhibit List and the exhibits filed with it (REM-Exhibit A through REM-Exhibit K), filed on February 25, 2021 are ordered withdrawn, struck, and replaced with the Union's Exhibit List and attached exhibits filed on April 23, 2021.

DATED: Honolulu, Hawai'i, _____ May 7, 2021 _____.

HAWAI'I LABOR RELATIONS BOARD



Marcus R. Oshiro

MARCUS R. OSHIRO, Chair

Sesnita A. D. Moepono

SESNITA A.D. MOEPONO, Member

J. Musto

J. MUSTO, Member

Copies sent to:

Lisa Ann Gruebner, Esq.
James Halvorson, Deputy Attorney General

ⁱ HAR § 12-42-8(g)(3)(C)(iii) states:

§12-42-8 Proceedings before the board.

(g) Hearings:

(3) Motions:

(iii) Answering affidavits, if any, shall be served on all parties...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.