

STATE OF HAWAI'I
HAWAI'I LABOR RELATIONS BOARD

In the Matter of

RALPH R. FUKUMOTO,

Complainant(s),

and

DEPARTMENT OF PUBLIC SAFETY,
State of Hawai'i; and HAWAII
GOVERNMENT EMPLOYEES
ASSOCIATION, AFSCME, LOCAL 152,
AFL-CIO,

Respondent(s).

CASE NO(S). 22-CE-14-966
22-CU-14-389

ORDER NO. 3883

PRETRIAL CONFERENCE MINUTE
ORDER

PRETRIAL CONFERENCE MINUTE ORDER

The Hawai'i Labor Relations Board (Board) held a pretrial conference in this case on August 15, 2022 where, among other things, the Board heard oral argument on Respondents' dispositive motions and issued various rulings regarding witnesses.

The Board orally granted, in part, and denied, in part, both dispositive motions filed. Specifically, the Board dismissed the Hawai'i Revised Statutes (HRS) § 89-13(a)(6) and (b)(3) claims in the Second Amended Prohibited Practice Complaint (Second Amended Complaint) based on Complainant RALPH R. FUKUMOTO's (Mr. Fukumoto or Complainant) lack of standing to bring this case; and dismissed certain other allegations as untimely.

The Board stated that it would issue a written order further documenting its rulings on the dispositive motions in a separate order that will be issued prior to the continued pretrial conference.

The Board also extended all subpoenas previously issued to the new hearing on the merits (HOM) dates of **September 29-30, 2022 at 9:00 a.m.** This means that witnesses do not need to be served new subpoenas, but they do need to be informed of the new HOM dates and times by the party who requested the subpoena.

Witnesses must appear at the HOM in accordance with the subpoenas. The Board will consider witnesses to be appearing “in person” for the purpose of compliance with Hawai‘i Administrative Rules (HAR) § 12-42-8(g)(5) if the witness appears either in person at the Board’s hearing room at 830 Punchbowl Street, Room 434, Honolulu, Hawai‘i 96813 or in compliance with the Board’s Pretrial Order Section 8. As required by the Board’s Pretrial Order, parties must indicate the location where witnesses will likely testify from. *See* Order No. 3851A4, at *4.

The Board encourages the Respondents to produce witnesses without subpoenas and to provide information to Mr. Fukumoto about the likely location of those witnesses when they testify. Mr. Fukumoto is responsible for making sure that whatever witnesses he calls, including those produced by the Respondents, have access to all proposed exhibits and exhibits already entered into evidence. *See* Order No. 3851A4, at *4.

DATED: Honolulu, Hawai‘i, August 15, 2022.

HAWAI‘I LABOR RELATIONS BOARD

MARCUS R. OSHIRO, Chair

SESNITA A.D. MOEONO, Member

J N. MUSTO, Member

Copies sent to:

Ralph Fukumoto, Self-Represented Litigant
Keani Alapa, Esq.
James Halvorson, Deputy Attorney General