

STATE OF HAWAI'I

HAWAI'I LABOR RELATIONS BOARD

In the Matter of

JANET WEISS,

Complainant(s),

and

HAWAII STATE TEACHERS  
ASSOCIATION,

Respondent(s).

CASE NO(S). 22-CU-05-390

ORDER NO. 3904

MINUTE ORDER SETTING SCHEDULE  
FOR MOTIONS AND RESPONSES

In the Matter of

JANET WEISS,

Complainant,

and

JANETTE SNELLING, Honoka'a-  
Kealakehe-Kohala-Konawaena Complex  
Area Superintendent, Department of  
Education, State of Hawai'i,

Respondent.

CASE NO. 22-CE-05-970

**MINUTE ORDER SETTING  
SCHEDULE FOR MOTIONS AND RESPONSES**

On September 12-13, 2022, the Hawai'i Labor Relations Board (Board) held a hearing on the merits in this case (September 12-13, 2022 HOM) on the first part of the consolidated case involving hearing argument on the issue of whether Respondent HAWAII STATE TEACHERS ASSOCIATION (HSTA or Union) breached its duty of fair representation owed to Complainant JANET WEISS (Complainant or Ms. Weiss).

During the September 13, 2022 HOM, Ms. Weiss rested her case. After Ms. Weiss rested her case, HSTA orally requested that the Board reconsider its Order No. 3880 granting, in part, and denying in part, motion to dismiss or, in the alternative for summary judgment and

dismissing all allegations for lack of standing (HSTA Motion to Reconsider MTD/MSJ). Or, HSTA requested that it be permitted to file a motion for judgment on partial findings (Motion for Partial Findings). Respondent JANETTE SNELLING, Honokaa-Kealakehe-Kohala-Konawaena Complex Area Superintendent, Department of Education, State of Hawai'i (CAS Snelling) agreed with HSTA's requests. Ms. Weiss indicated that she would like to respond to the motions.

Before the conclusion of the HOM, the Board orally established the following schedule for motions and responses confirmed by this written order.

### **ORDER REGARDING SCHEDULING OF MOTIONS AND RESPONSES**

The Board orders:

1. HSTA must file its written Motion to Reconsider MTD/MSJ and/or for Partial Findings (HSTA Motion to Reconsider/Partial Findings) **on or by 4:30 p.m. on the thirtieth day from receipt of the transcript of the September 12-13, 2022 HOM.** The Motion filed by HSTA must be **one document, which does not exceed 25 pages** in length, exclusive of table of contents, table of authorities, declarations, exhibits, and other attachments.
2. Ms. Weiss and CAS Snelling must file any response to HSTA Motion to Reconsider/Partial Findings on or by 4:30 p.m. on the fifth day from receipt of the HSTA Motion as provided by Hawai'i Administrative Rules § 12-42-8(g)(3)(C)(iii). Any response must **not exceed 25 pages** in length, exclusive of table of contents, table of authorities, declarations, exhibits, and other attachments.
3. Any memorandum or response exceeding 10 pages must include a table of contents and a table of authorities.
4. Exhibits to a motion, memorandum, or response may not include statutes; Board Orders or Decisions, publicly accessible court cases, or pleadings; arbitration decisions, pleadings that are not specifically factually relevant; or prior filings in this case. Statutes, Board Orders and Decisions, court cases, and prior files may be referenced with proper citations.
5. A party may reference a portion of a transcript of the hearing in a memorandum or response if the party files a copy of the entire transcript to which the reference is made simultaneously or before submission of the memorandum or response. If a party cites to the audio or video recording, the party must note the starting and ending times of the citation.

DATED: Honolulu, Hawai'i, \_\_\_\_\_ September 16, 2022 \_\_\_\_\_.

HAWAI'I LABOR RELATIONS BOARD  
([dlir.laborboard@hawaii.gov](mailto:dlir.laborboard@hawaii.gov))

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MARCUS R. OSHIRO, Chair

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SESNITA A.D. MOEONO, Member

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J N. MUSTO, Member

Copies sent to:

Ms. Janet Weiss, SRL

Keani Alapa, Esq.

James Halvorson, Deputy Attorney General

WEISS v. HSTA, SNELLING

CASE NO(S). 22-CU-05-390; 22-CE-05-970

MINUTE ORDER SETTING SCHEDULE FOR MOTIONS AND RESPONSES

ORDER NO. 3904