

LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD

STATE OF HAWAII

VIDA GARCIA,)	CASE NO.: AB 2016-301(S)
)	DCD No.: 2-15-08619
Claimant-Appellee,)	
)	
vs.)	D/A: October 1, 2014
)	
JANIS FERNANDEZ DBA EXODUS)	
BAIL BOND,)	
)	Aug 30 2021, 12:32 pm
Employer-Appellant,)	FILED _{PT}
Delinquent,)	Labor and Industrial Relations
)	Appeals Board
and)	
)	
SPECIAL COMPENSATION FUND,)	
)	
Appellee.)	
_____)	

ORDER FOR WEBPAGE POSTING
AND
SECOND AMENDED PRETRIAL ORDER

On March 29, 2018, the Labor and Industrial Relations Appeals Board issued a Decision and Order. In relevant part, the Board's Conclusion of Law 4 penalized Employer JANIS FERNANDEZ DBA EXODUS BAIL BOND \$1,290.00 for failing to secure workers' compensation insurance.

On June 4, 2020, the Intermediate Court of Appeals of the State of Hawai'i issued a Summary Disposition Order. In relevant part, the ICA stated that this case would be remanded to the Board for a finding as to when Claimant VIDA GARCIA's employment began and the period during which

Employer was in violation of HRS Sections 386-121 and 386-123. The ICA vacated the Board's COL 4 and remanded this matter to the Board for further proceedings.

On July 6, 2020, the ICA issued its Judgment on Appeal.

On December 17, 2020, the Board issued a Notice of Status Conference and mailed a copy of this document to Employer JANIS FERNANDEZ DBA EXODUS BAIL BOND to her last known address at that time, which was also the address last used by the ICA. This notice was returned with "RETURN TO SENDER," handwritten on the envelope.

Following a further inquiry online and in the Board's files, the Board identified another address from Employer's trial testimony.

On January 26, 2021, the Board issued another Notice of Status conference and mailed such notice to the address provided by Employer during her trial testimony. This notice was returned as undeliverable, with "Return to Sender Wrong Addressee" handwritten on the envelope.

Following a status conference on March 4, 2021, the Board issued a Pretrial Order on March 10, 2021. The pretrial order set a trial date for October 5, 2021, and was mailed to Employer's last known address, pursuant to her trial testimony. Another copy was mailed to Employer on March 19, 2021. Both copies of the Pretrial Order were returned as undelivered.

Employer's last known telephone number was no longer in service.

The Board has been unable to ascertain another address for Employer.

Being fully apprised in the premises,

THE BOARD ORDERS, pursuant to Section 371-4(d), HRS, that a copy of this order be posted on the Board's webpage.

THE BOARD FURTHER ORDERS that the trial scheduled for October 5, 2021 and associated deadlines are reset as noted below.

THE BOARD FURTHER ORDERS that the Board's previously issued Pretrial Order be amended as follows:

1. Issues on Appeal. The issues to be determined on appeal are:
 - a. On what date did Claimant's employment with Employer begin?
 - b. What is the period during which Employer was in violation of HRS Sections 386-121 and 386-123?

The Board will decide the foregoing issue(s) in accordance with Chapter 386, Hawaii Revised Statutes, and relevant rules.

2. Interactive Conference Technology. Unless otherwise ordered by the Board, all conferences, hearings, and the trial, in the above-referenced matter and all appearances therefor, will be held by interactive conference technology. The Board will utilize Microsoft Teams, a cloud-based, collaboration application.

3. For each proceeding, the Board will email a calendar invitation with a hyperlink to the event to the following, at the email(s) noted:
 - a. To Charles H. Brower at HonoluluLaw808@gmail.com.
 - b. To Amy M.H. Chan at amy.mh.chan@hawaii.gov.

4. Contact the Board immediately if any of the foregoing email(s) is incorrect or if the calendar invitations are not received within one week of the date of this order.

5. Any party who has not provided the Board with an email address will be conventionally served a copy of this notice.

6. If you wish to receive an emailed calendar invitation, you must provide the Board with your email address at least two business days before the conference, hearing, or trial.

7. To ensure the privacy and propriety of the conference(s), hearing(s), and the trial before the Board, do not share or forward any electronic meeting invitations, conference telephone number, and/or conference ID numbers. If attendance by additional participants (such as witnesses) is necessary, please provide the Board with the email address(es) of the additional participants at least two business days before the conference, hearing, or trial.

8. The parties are required to immediately notify the Board of any changes to their own contact information, including mailing addresses, email addresses, and telephone numbers.

9. The parties are required to immediately notify the Board of any changes to their own contact information, including mailing addresses, email addresses, and telephone numbers.

10. Settlement Conference. No settlement conference will be scheduled, at this time. Settlement conference(s) may be scheduled at the

discretion of the Board or upon written request by all parties. Written requests for a settlement conference shall include a confirmation that exchanges of written bona fide and reasonable offers of settlement have occurred.

11. Trial. Trial will be held on February 1, 2022 at 1:30 p.m. Hawaii Standard Time, or as soon thereafter as parties may be heard.

Barring unforeseen circumstances, all participants who were provided with a hyperlink for the trial are expected to utilize the hyperlink in the invitation. To participate in the trial by telephone, call (808) 829-4853 and enter conference ID number 792 561 842#, on the date and at the time of the trial.

12. Any party may retain counsel if desired. An individual may participate in the trial on the individual's behalf, a member of a partnership may represent the partnership, and an officer or authorized employee of a corporation or trust or association may represent the corporation, trust, or association.

13. Discovery Deadlines. Discovery deadlines are established as follows:

- | | |
|----------------------------------|--------------------|
| a. Unnamed witness notification: | September 28, 2021 |
| b. Live witness identification: | November 23, 2021 |
| c. Medical reports submission: | None |
| d. Discovery cut-off: | December 21, 2021 |

14. Trial Exhibits Deadlines. Deadlines for the filing of exhibit lists that describe the exhibits you intend to introduce at the hearing together

with the identified exhibits; written objections to exhibit lists and exhibits; and written responses to the objections are established as follows:

- a. Exhibit lists with exhibits: December 28, 2021
- b. Objections to exhibits: January 11, 2022
- c. Responses to objections: January 18, 2022

15. Exhibits shall be listed in the order that the party intends to introduce them at the hearing. Claimant shall list the exhibits using the alphabet (e.g., Exhibit A, B, C). Employer shall use numbers (e.g., Exhibit 1, 2, 3). The SPECIAL COMPENSATION FUND shall use numbers preceded by "S-," e.g., S-1, S-2, S-3, etc.

16. Filing of Documents. Refer to the Board's June 29, 2021 Administrative Order 2021-01 for information about filing documents with the Board.

17. The case file as received from the Director of Labor and Industrial Relations has been made part of the record before the Board.

18. Proceedings before the Board are governed by Chapter 91, Hawaii Revised Statutes and the LAB Rules.

19. Hereafter, this First Pretrial Order shall control the course of the proceedings and may not be amended except (1) at the discretion of the Board, (2) by consent of the parties and the Board, or (3) by order of the Board in accordance with the LAB Rules.

20. Failure to comply with the LAB Rules or Board orders, or to timely appear for any conference or hearing before the Board may be grounds for sanctions, including dismissal of the appeal.

Dated: Honolulu, Hawaii,

Aug 30 2021



DAMIEN A. ELEFANTE, Chair



MELANIE S. MATSUI, Member

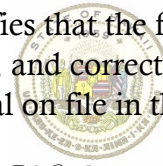


MARIE C.L. LADERTA, Member

Vida Garcia v. Janis Fernandez dba Exodus Bail Bond, et al.;
AB 2016-301(S); Order for Webpage Posting and First Amended Pretrial
Order

Charles H. Brower, Esq.
For Claimant-Appellee

This certifies that the foregoing is a
full, true, and correct copy of the
original on file in this office.



/s/ P. Tengan for LIRAB

Janis Fernandez
Employer-Appellant/ Delinquent

Amy M.H. Chan, Esq.
For Special Compensation Fund-Appellee

A certified copy of the foregoing was served upon the above-captioned parties or their legal representatives on the date of filing noted above.

LABOR APPEALS BOARD - 830 PUNCHBOWL ST, RM 404, HONOLULU, HI 96813 - (808)586-8600

If you require a language interpreter or if you require a reasonable accommodation for a disability, in accordance with the Americans with Disabilities Act or other applicable state and federal laws, please contact the Board at (808) 586-8600 at least ten (10) business days prior to your hearing or conference date.

Equal Opportunity Employer/Program
Auxiliary aids and services are available
upon request to individuals with disabilities.
TDD/TTY Dial 711 then ask for (808) 586-8600

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