

LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD

STATE OF HAWAII

LEILA N. MONIZ,	)	CASE NO. AB 2009-603
	)	(2-92-25327)
Claimant-Appellant,	)	
	)	D/A: September 18, 1992
vs.	)	
	)	
GEORGE C. CROMACK,	)	
	)	
Employer-Cross	)	<b>Jan 16 2025, 10:29 am</b>
Appellant,	)	<b>FILED</b> <sub>akw</sub>
	)	Labor and Industrial Relations
and	)	Appeals Board
	)	
FIRST INSURANCE COMPANY OF	)	
HAWAII, LTD.,	)	
	)	
Insurance Carrier-Cross	)	
Appellant.	)	
	)	

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SECOND AMENDED PRETRIAL ORDER

On January 16, 2025, the Labor and Industrial Appeals Board entered an ORDER DISMISSING CLAIMANT'S APPEAL; ORDER TO AMEND CAPTION; and ORDER REGARDING PROCEEDINGS ON APPEAL.

Pursuant to the Board Rules of Practice and Procedure, the Board HEREBY ORDERS the following that the Board's previously issued Pretrial Orders be amended as follows:

1. Issues on Appeal. The issues to be determined on appeal are:
  - a. What are the periods of temporary disability resulting from Claimant's September 18, 1992 work injury. (Employer's issue.)

- b. What is the extent of permanent partial disability Claimant sustained as a result of her September 18, 1992 injury. (Employer's issue.)
- c. What is the extent of disfigurement resulting from Claimant's September 18, 1992 injury. (Employer's issue.)
- d. Whether Employer is authorized to credit temporary disability benefits paid in the amount of \$24,011.69 against the award of permanent partial disability benefits. (Employer's issue.)

The Board will decide the foregoing issues in accordance with Chapter 386, Hawaii Revised Statutes and relevant rules.

2. In-Person Appearances and Interactive Conference

Technology. Unless otherwise ordered or noticed by the Board:

- a. The trial in this matter will be held **in-person** at the Board's office located at 830 Punchbowl Street, Room 404, Honolulu, Hawaii 96813; and
- b. All conferences and motion hearings, if any, will be held using **interactive conference technology**.

Any party who desires to utilize interactive conference technology for a trial, whether for themselves and/or their witnesses, must present their request via a motion that comports with Section 12-47-32, Hawaii Administrative Rules, Board Rules of Practice and Procedure.

Any party who desires to be present (i.e., in-person) at the Board's office for the purpose of participating in a conference, hearing, and/or trial that was otherwise or originally scheduled as an interactive conference technology event must notify the Board of their desire to appear in-person. Notification may be made orally or in written. Such notification must be made to the Board at least three (3) business days before the conference, hearing, and/or trial.

Refer to the Board's January 30, 2024 Administrative Order 2024-01 for information about in-person appearances and the use of interactive conference technology. (See <https://labor.hawaii.gov/lirab/files/2024/01/Administrative-Order-2024-01-filed-Jan-30-2024.pdf>.)

3. For each interactive conference technology proceeding, the Board will email a calendar invitation with a hyperlink to the event to the following, at the email noted:

a. To Carlton W.T. Chun at [cchun@staffcounsel808.com](mailto:cchun@staffcounsel808.com).

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

5. Because Claimant is deceased and no court-appointed personal representative or special administrator of Claimant's estate has entered an appearance in this case, service of the Board's orders and notices will be made by way of the Board's website.

6. 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.

7. Settlement Conference. Parties may request that the Board schedule a settlement conference. The Board will consider scheduling a settlement conference upon receipt of requests for a settlement conference that:

a. Are in writing;

- b. Are submitted by all parties (to demonstrate that all parties agree to participate in a settlement conference); and
- c. Include a confirmation from all parties that each party to the appeal shall appear for the settlement conference or be represented by an attorney and/or other representative who has full authority to settle the case and/or issue(s) on appeal at the settlement conference.

The Board may schedule a settlement conference at its discretion or may decline to schedule the requested settlement conference.

8. Trial. Trial will be held on **Tuesday, March 25, 2025 at 9:00 a.m., Hawaii Standard Time**, or as soon thereafter as parties may be heard.

9. 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.

10. Discovery Deadlines. Discovery deadlines remain as previously established as follows:

- a. Unnamed witness notification: September 26, 2017
- b. Live witness identification: November 21, 2017
- c. Medical reports submission: November 21, 2017
- d. Discovery cut-off: December 19, 2017

11. Exhibits. Unless stricken from the record, material filed with the Board by the applicable deadlines will be admitted into evidence and may

be referenced as exhibits. At trial, any admitted evidence may be identified and used as a trial exhibit or exhibits. If the parties agree to exchange exhibit lists identifying exhibits that they intend to use at trial, these disclosures shall not be filed with the Board.

12. Filing of Documents. Refer to the Board’s June 14, 2024 Administrative Order 2024-02 for information about filing documents with the Board. (See <https://labor.hawaii.gov/lirab/files/2024/06/06-14-24-Administrative-Order-2024-02-CERTIFIED.pdf>.)

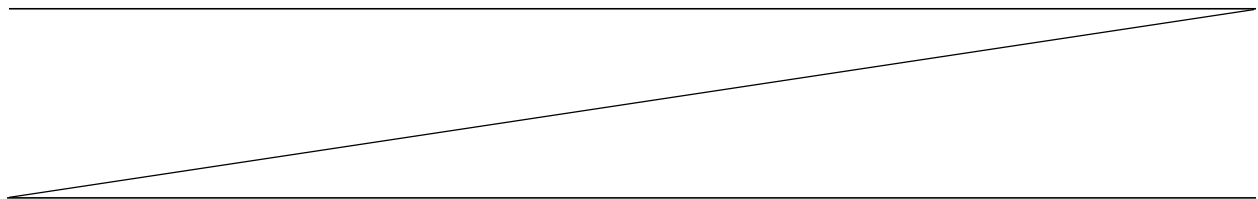
13. The case file as received from the Director of Labor and Industrial Relations has been made part of the record before the Board.

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

15. Hereafter, this Second Amended 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.

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

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Jan 16 2025

Dated: Honolulu, Hawai'i,

*Damien A. Elefante*

DAMIEN A. ELEFANTE, Chair

**EXCUSED**

MARIE C.L. LADERTA, Member

*Harry Yee*

HARRY YEE, Member

Carlton W. T. Chun, Esq.  
For Employer/Insurance  
Carrier-Cross Appellant

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

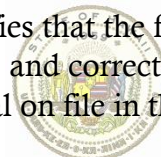
If you need a language interpreter or if you need an auxiliary aid/service or other accommodation due to a disability, please contact the Board at (808) 586-8600 and/or [dlir.appealsboard@hawaii.gov](mailto:dlir.appealsboard@hawaii.gov) as soon as possible, preferably at least ten (10) business days prior to your hearing or conference date. Requests made as early as possible have a greater likelihood of being fulfilled. If a request is received after the reply date, the Board will try to obtain the interpreter, auxiliary aid/service, or accommodation, but the Board cannot guarantee that the request will be fulfilled.

Upon request, this notice is available in alternate/accessible formats such as large print, Braille, or electronic copy.

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

*Leila N. Moniz v. George C. Cromack, et al.*; AB 2009-603; Second Amended  
Pretrial Order

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



/s/ *L. Waunabe* for LIRAB