

CLOSED

**U.S. District Court  
District of Hawaii (Hawaii)  
CIVIL DOCKET FOR CASE #: 1:12-cv-00469-JMS-RLP**

Hawaii Defense Foundation et al v. City and County of  
Honolulu et al  
Assigned to: CHIEF JUDGE J. MICHAEL SEABRIGHT  
Referred to: MAGISTRATE JUDGE RICHARD L. PUGLISI  
Cause: 42:1983 Civil Rights Act

Date Filed: 08/21/2012  
Date Terminated: 01/21/2014  
Jury Demand: Both  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Hawaii Defense Foundation**

represented by **Alan A. Beck**  
4780 Governor Drive  
San Diego, CA 92122  
(808) 295-6733  
Email: [ngord2000@yahoo.com](mailto:ngord2000@yahoo.com)  
**ATTORNEY TO BE NOTICED**

**Brian J. Brazier**  
430 Lewers St. #20E  
Honolulu, HI 96815  
922-2032  
Email: [brianbrazierlaw@gmail.com](mailto:brianbrazierlaw@gmail.com)  
**ATTORNEY TO BE NOTICED**

**Richard L. Holcomb**  
Holcomb Law, LLC  
1136 Union Mall, Ste. 805  
Honolulu, HI 96813  
808-545-4040  
Fax: 808-356-1954  
Email: [rholcomblaw@live.com](mailto:rholcomblaw@live.com)  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Christopher Baker**

represented by **Alan A. Beck**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Brian J. Brazier**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Richard L. Holcomb**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Derek Scammon**

represented by **Alan A. Beck**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Brian J. Brazier**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Richard L. Holcomb**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****City and County of Honolulu**

represented by **Curtis E. Sherwood**  
 Office of Corporation Counsel–Honolulu  
 530 S King St Ste 110  
 Honolulu, HI 96813  
 768–5134  
 Fax: 768–5105  
 Email: [csherwood@honolulu.gov](mailto:csherwood@honolulu.gov)  
**ATTORNEY TO BE NOTICED**

**Defendant****Andrew Lum***in his personal and official capacity*

represented by **Curtis E. Sherwood**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant****John Does 1–10***in their personal and official capacities*

Date Filed	#	Docket Text
08/21/2012	<u>1</u>	COMPLAINT against All Defendants, filed by Hawaii Defense Foundation, Derek Scammon, Christopher Baker. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Civil Cover Sheet)(gls, ) (Entered: 08/21/2012)
08/21/2012	<u>2</u>	Order Setting Rule 16 Scheduling Conference <b>TO BE SET</b> before Magistrate Judge RICHARD L. PUGLISI. Signed by JUDGE SUSAN OKI MOLLWAY on 8/21/12. (Attachments: # <u>1</u> Corporate Disclosure Memo)(gls, ) (Entered: 08/21/2012)
08/21/2012	<u>3</u>	Filing fee: \$ 350.00,receipt number HI004904 re <u>1</u> Complaint (gls, ) (Entered: 08/21/2012)
08/21/2012	<u>4</u>	Summons Issued as to City and County of Honolulu. (gls, ) (Entered: 08/21/2012)
08/21/2012	<u>5</u>	Summons Issued as to Andrew Lum. (gls, ) (Entered: 08/21/2012)
08/21/2012	<u>6</u>	MOTION for Temporary Restraining Order Alan A. Beck, Brian J. Brazier, Richard L. Holcomb appearing for Plaintiffs Christopher Baker, Hawaii Defense Foundation, Derek Scammon (Attachments: # <u>1</u> Declaration of Counsel, # <u>2</u> Notice and COS)(gls, ) (Entered: 08/21/2012)
08/21/2012	<u>7</u>	MOTION for Preliminary Injunction Alan A. Beck, Brian J. Brazier, Richard L. Holcomb appearing for Plaintiffs Christopher Baker, Hawaii Defense Foundation, Derek Scammon (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Notice and COS)(gls, ) (Entered: 08/21/2012)
08/21/2012	<u>8</u>	EO: Status Conference set for 8/22/2012 09:00 AM before JUDGE J. MICHAEL SEABRIGHT. (JUDGE J. MICHAEL SEABRIGHT)(apg, ) <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> Participants registered to receive electronic notifications received this document electronically at the e–mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 08/21/2012)
08/21/2012	<u>11</u>	SUMMONS Returned Executed City and County of Honolulu & Andrew Lum in Official Capacity served on 8/21/2012, answer due 9/11/2012. (gls, ) (Entered: 08/22/2012)
08/21/2012	<u>12</u>	SUMMONS Returned Executed Andrew Lum in his individual capacity served on 8/21/2012, answer due 9/11/2012. (gls, ) (Entered: 08/22/2012)

08/22/2012	<u>9</u>	EO: Rule 16 Scheduling Conference is set for 09:15AM on 12/5/2012 before JUDGE RICHARD L. PUGLISI. (JUDGE RICHARD L. PUGLISI)(mrf) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 08/22/2012)
08/22/2012	<u>10</u>	EP: Status Conference held regarding Plaintiffs Motion for Temporary Restraining Order, Doc. No. 6, and Plaintiffs Motion for Preliminary Injunction, Doc. No. 7. The court will hold a hearing on Plaintiffs Motion for Preliminary Injunction on September 5, 2012 at 9:00 a.m. By August 28, 2012, Defendants shall file an Opposition, as well as a statement outlining the facts they will seek to introduce at the September 5, 2012 hearing and the witnesses that they wish to call (if any), including the expected length of testimony. By August 31, 2012, Plaintiffs shall file a Reply and a statement outlining the facts they will seek to introduce at the September 5, 2012 hearing and the witnesses that they wish to call (if any), including the expected length of testimony. The parties shall also meet and confer regarding the admissibility of proffered exhibits for the hearing. In light of the briefing schedule on the Motion for Preliminary Injunction and as the parties agreed, the court DEEMS MOOT Plaintiffs Motion for Temporary Restraining Order. (Court Reporter Gloria Bediamol.) (JUDGE J. MICHAEL SEABRIGHT)(apg, ) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 08/22/2012)
08/22/2012	<u>13</u>	Amended Declaration re <u>6</u> MOTION for Temporary Restraining Order. (gls, ) (attachment(s) : # <u>1</u> Declaration of Counsel, # <u>2</u> Certificate of Service) (gls, ). (Entered: 08/23/2012)
08/22/2012	<u>14</u>	Corporate Disclosure Statement by Hawaii Defense Foundation. (gls, ) (Entered: 08/23/2012)
08/24/2012	<u>15</u>	EO: Status Conference set for 8/24/2012 03:30 PM before JUDGE J. MICHAEL SEABRIGHT, to be held in the first floor conference room adjacent to the Chambers of the Honorable J. Michael Seabright. (JUDGE J. MICHAEL SEABRIGHT)(apg, ) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 08/24/2012)
08/24/2012	<u>16</u>	EP: Settlement conference held in chambers.As agreed to by the parties, the court VACATES the pending briefing deadlines on Plaintiffs Motion for Preliminary Injunction. The court further converts the September 5, 2012, 9:00 a.m. hearing on the Motion for Preliminary Injunction into a status conference regarding the Motion for Preliminary Injunction and/or settlement discussions. By August 31, 2012, close of business, counsel for Defendants shall submit to the court a letter providing an update regarding settlement. (Court Reporter NO RECORD.) (JUDGE J. MICHAEL SEABRIGHT)(apg, ) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 08/27/2012)
09/05/2012	<u>17</u>	EP: Status conference held regarding Plaintiffs Motion for Preliminary Injunction and settlement.  In light of the changes in the City and Countys position regarding public posting on the Honolulu Police Departments Facebook page and upon agreement of the parties, the court DEEMS MOOT Plaintiffs Motion for Preliminary Injunction, Doc. No. 7, without prejudice to Plaintiffs refileing either the same Motion for Preliminary

		<p>Injunction or a new Motion for Preliminary Injunction in the future.</p> <p>The court will hold another status conference on October 4, 2012 at 1:30 p.m. to determine the parties progress in resolving this matter. (Court Reporter Cynthia Fazio.) (JUDGE J. MICHAEL SEABRIGHT)(apg, )</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 09/05/2012)</p>
09/11/2012	<u>19</u>	ANSWER to Complaint with Jury Demand by City and County of Honolulu, Andrew Lum. (Attachments: # <u>1</u> Demand for Jury Trial, # <u>2</u> Certificate of Service)(Sherwood, Curtis) (Entered: 09/11/2012)
10/03/2012	20	<p>EO: Status Conference set for Thursday 10/4/2012 1:30PM is continued to Tuesday 10/9/2012 11:00 AM before JUDGE J. MICHAEL SEABRIGHT. (JUDGE J. MICHAEL SEABRIGHT)(apg, )</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 10/03/2012)</p>
10/09/2012	<u>21</u>	<p>EP: Status Conference held on 10/9/2012. Discussion held. By October 30, 2012, the parties shall notify the court via letter whether they have reached settlement. If settlement has been reached on all issues except attorneys fees, thereafter Plaintiffs may file an appropriate motion. (Court Reporter Gloria Bediamol.) (JUDGE J. MICHAEL SEABRIGHT)(bbb, )</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 10/10/2012)</p>
11/30/2012	<u>22</u>	Letter addressed to Judge J. Michael Seabright from Curtis E. Sherwood, Deputy Corporation Counsel, dated October 30, 2012 -- re status update on final settlement. (emt, ) (Entered: 11/30/2012)
11/30/2012	<u>23</u>	Letter addressed to Judge J. Michael Seabright from Richard Holcomb, Esq., dated October 30, 2012 -- re status update on settlement negotiations. (emt, ) (Entered: 11/30/2012)
12/04/2012	24	<p>EO: Per counsel's request and agreement, the Rule 16 Scheduling Conference is CONTINUED from 12/05/2012 to 1/22/2013 at 09:30AM before JUDGE RICHARD L. PUGLISI. (JUDGE RICHARD L. PUGLISI)(mrf)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 12/04/2012)</p>
01/14/2013	<u>25</u>	Scheduling Conference Statement . (Holcomb, Richard) (Entered: 01/14/2013)
01/14/2013	<u>26</u>	Scheduling Conference Statement <i>Corrected COS</i> . (Holcomb, Richard) (Entered: 01/14/2013)
01/15/2013	<u>27</u>	Scheduling Conference Statement by <i>Defendants City and County of Honolulu and Andrew Lum</i> . (Attachments: # <u>1</u> Certificate of Service)(Sherwood, Curtis) (Entered: 01/15/2013)
01/22/2013	<u>28</u>	<p>EP: Rule 16 Scheduling Conference held on 1/22/2013. Rule 16 Scheduling Conference Order to be issued. Jury Selection/Trial is set for 09:00 AM on 1/28/2014 in Aha Kaulike before JUDGE J. MICHAEL SEABRIGHT. Final Pretrial Conference is set for 12/19/2013 at 09:15 AM in Chambers of Judge Richard L. Puglisi before JUDGE RICHARD L. PUGLISI. Motions due by 8/28/2013. Discovery due by</p>

		11/29/2013. (Court Reporter not reported) (JUDGE RICHARD L. PUGLISI)(mrf) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 01/22/2013)
01/22/2013	<u>29</u>	EO: Amended Minutes. Brian J. Brazier, Esq. appeared on behalf of Plaintiff instead of Alan A. Beck, Esq. at the Rule 16 Scheduling Conference set for 1/22/2013 before JUDGE RICHARD L. PUGLISI. (JUDGE RICHARD L. PUGLISI)(mrf) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 01/22/2013)
01/22/2013	<u>30</u>	CERTIFICATE OF SERVICE by City and County of Honolulu, Andrew Lum <i>Regarding Defendants' Initial Disclosures</i> (Sherwood, Curtis) (Entered: 01/22/2013)
01/22/2013	<u>31</u>	Rule 16 SCHEDULING ORDER. Signed by JUDGE RICHARD L. PUGLISI on 1/22/13. (gls, ) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 01/22/2013)
08/29/2013	<u>32</u>	STIPULATION TO AMEND RULE 16 SCHEDULING ORDER TO EXTEND DISPOSITIVE MOTIONS DEADLINE, ( Motions due by 10/11/2013.). Signed by JUDGE RICHARD L. PUGLISI on 8/29/13. (gls, ) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 08/29/2013)
10/16/2013	<u>33</u>	STIPULATION TO FURTHER AMEND RULE 16 SCHEDULING ORDER TO EXTEND DISPOSITIVE MOTIONS DEADLINE, (Dispositive Motions due by 10/23/2013.). Signed by JUDGE RICHARD L. PUGLISI on 10/16/13. (gls, ) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 10/16/2013)
10/23/2013	<u>34</u>	MOTION for Summary Judgment <i>on Behalf of Plaintiffs Hawaii Defense Foundation, Christopher Baker, and Derek Scammon</i> Richard L. Holcomb appearing for Plaintiff Christopher Baker (Holcomb, Richard) (Entered: 10/23/2013)
10/23/2013	<u>35</u>	MOTION for Summary Judgment <i>Concise Statement in Support of MSJ</i> Richard L. Holcomb appearing for Plaintiff Hawaii Defense Foundation (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Holcomb, Richard) (Entered: 10/23/2013)
10/23/2013	<u>36</u>	MOTION for Judgment on the Pleadings Curtis E. Sherwood appearing for Defendants City and County of Honolulu, Andrew Lum (Attachments: # <u>1</u> Memorandum of Law in Support of Motion, # <u>2</u> Declaration of Counsel, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Certificate of Service)(Sherwood, Curtis) (Entered: 10/23/2013)
10/24/2013	37	NOTICE of Hearing on Motion <u>36</u> MOTION for Judgment on the Pleadings , <u>34</u> MOTION for Summary Judgment <i>on Behalf of Plaintiffs Hawaii Defense Foundation, Christopher Baker, and Derek Scammon</i> . Motion Hearing set for 1/21/2014 09:00 AM before JUDGE J. MICHAEL SEABRIGHT. (apg, ) <hr/> CERTIFICATE OF SERVICE

		Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry. (Entered: 10/24/2013)
10/24/2013		<b>ADVISORY ENTRY.</b> The entry docket number <u>35</u> MOTION for Summary Judgment <i>Concise Statement in Support of MSJ</i> filed by Hawaii Defense Foundation was filed incorrectly in this case. The filing party entered the submission as another pending motion. The correct event for Concise Statement in Support can be found in the Responses and Replies Event field. Also, the filing party should take caution to submit pleadings electronically signed, e.g., /s/Attorneys name, by ONLY the person who's login and password is being used. No further action necessary. (gls, ) (Entered: 10/24/2013)
12/18/2013	<u>38</u>	Pretrial Conference Statement by City and County of Honolulu, Andrew Lum . (Sherwood, Curtis) (Entered: 12/19/2013)
12/19/2013	<u>39</u>	EP: Final Pretrial Conference held on 12/19/2013. Estimated total trial days: 3. Jury Trial set for 1/28/2014 at 9:00 a.m., Judge Seabright. (Court Reporter not reported) (JUDGE RICHARD L. PUGLISI)(mrf)No COS issued for this docket entry (Entered: 12/20/2013)
12/30/2013	40	EO: Pursuant to counsel's request and agreement, a Settlement Conference is set for 1/8/2014 at 10:00 AM in Chambers of Judge Richard L. Puglisi before JUDGE RICHARD L. PUGLISI. Settlement Conference Statements by 1/03/2014. (JUDGE RICHARD L. PUGLISI)(mrf) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 12/30/2013)
12/30/2013	41	EO: On December 30, 2013, the court received a Request for Continuance regarding briefing deadlines, and hearing and trial dates. The Request is GRANTED IN LIMITED PART. The deadline for the Oppositions to the pending Motions is extended from December 31, 2013 until <b>January 3, 2014</b> . The optional Replies are due by <b>January 8, 2014</b> . The hearing on the Motions remains set for January 21, 2014. The January 28, 2014 trial date is VACATED, with a new trial date to be set by Magistrate Judge Puglisi on January 8, 2014 (if the case is not settled). (JUDGE J. MICHAEL SEABRIGHT)(apg, ) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 12/30/2013)
12/31/2013	<u>42</u>	MOTION to Continue (1) <u>Deadline for responses to the parties' pending motions (docs <u>34</u> – <u>36</u> )</u> ; (2) <u>Hearing on the parties' pending motions (docs <u>34</u> – <u>36</u> )</u> ; and (3) <u>Trial Richard L. Holcomb appearing for Plaintiff Hawaii Defense Foundation (Holcomb, Richard)</u> Docket text modified on 1/2/2014 (afc). (Entered: 12/31/2013)
01/03/2014	<u>43</u>	MEMORANDUM in Opposition re <u>36</u> MOTION for Judgment on the Pleadings filed by Hawaii Defense Foundation. (Attachments: # <u>1</u> Declaration of Christopher Baker, # <u>2</u> Exhibit One)(Holcomb, Richard) (Entered: 01/03/2014)
01/08/2014	<u>44</u>	EP: Settlement Conference held on 1/8/2014. Case did not settle. New trial date will be set and an Amended Rule 16 Scheduling Order will be issued. (Court Reporter not reported) (JUDGE RICHARD L. PUGLISI)(mrf) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 01/08/2014)
01/08/2014	45	EO: Hearing on <u>34</u> Plaintiffs Hawaii Defense Foundation, Christopher Baker, and Derek Scammon's Motion for Summary Judgment and <u>36</u> City and County of Honolulu, Andrew Lum's Motion for Judgment on the Pleadings is set as scheduled for 1/21/2014 at 09:00 AM in Aha Kaulike before JUDGE J. MICHAEL SEABRIGHT.

		(JUDGE RICHARD L. PUGLISI)(mrf) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 01/08/2014)
01/08/2014	<u>47</u>	EO: Amended Rule 16 Scheduling Conference Order to be issued. Jury Selection/Trial is set for 09:00 AM on 5/20/2014 in Aha Kaulike before JUDGE J. MICHAEL SEABRIGHT. Final Pretrial Conference is set for 4/8/2014 at 09:30 AM in Chambers of Judge Richard L. Puglisi before JUDGE RICHARD L. PUGLISI. (JUDGE RICHARD L. PUGLISI)(mrf) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 01/09/2014)
01/09/2014	<u>46</u>	EO: The deadline for Oppositions to (1) Plaintiffs Motion for Summary Judgment, Doc. No. 34, and (2) Defendants Motion for Judgment on the Pleadings, Doc. No. 36, was January 3, 2014, and the deadline for Replies was January 8, 2014. With Defendants failing to file an Opposition to Plaintiffs Motion for Summary Judgment, and with no Replies filed, the court deems the briefing on these Motions CLOSED. (JUDGE J. MICHAEL SEABRIGHT)(tl, ) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 01/09/2014)
01/09/2014	<u>48</u>	AMENDED RULE 16 SCHEDULING ORDER – Signed by JUDGE RICHARD L. PUGLISI on 1/9/14. (emt, ) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 01/09/2014)
01/09/2014	<u>49</u>	MOTION for Reconsideration re <u>46</u> Link,,, 41 Link,,, and for Leave to File Opposition Curtis E. Sherwood appearing for Defendants City and County of Honolulu, Andrew Lum (Attachments: # <u>1</u> Declaration of Counsel, # <u>2</u> Exhibit A, # <u>3</u> Certificate of Service)(Sherwood, Curtis) (Entered: 01/09/2014)
01/10/2014	50	EO: re <u>49</u> Currently set for hearing on January 21, 2014 are Plaintiffs' Motion for Summary Judgment, Doc. No. 34, and (2) Defendants Motion for Judgment on the Pleadings, Doc. No. 36. The parties previously requested an extension of the briefing deadlines and the hearing, which the court granted in part by extending the deadline to file Oppositions to January 3, 2014. Doc. No. 41. Despite this extension, Defendants failed to file an Opposition to Plaintiffs' Motion for Summary Judgment, and the court therefore deemed the briefing closed on these Motions. <i>See</i> Doc. No. 46.  Defendants have now filed a Motion for Reconsideration, seeking leave to file an Opposition to Plaintiffs' Motion for Summary Judgment. Defendants assert that this action was close to settlement, and Defendants' lead counsel is off island from January 4–17, 2014, he was very busy with other actions prior to his departure, and he did not see the court's Order regarding the briefing deadlines.  The court DENIES the Motion for Reconsideration. Defendants apparently assumed that the court would grant their request for extension, and such assumption was at their own peril. Further, it is Defendants' own fault that counsel does "not recall" seeing the court's order granting only a limited extension. Indeed, counsel's complaint that "I currently handle several federal cases and frequently receive up to 50 emails per day" is no excuse for allowing the opposition deadline to pass. The Motion for Reconsideration does, however, suggest that the parties were close to settlement. If all parties concur that meeting with Judge Seabright would be helpful in reaching

		<p>settlement before both the parties and this court spends additional resources on this action, they may contact the court's acting courtroom manager, Theresa Lam, at 808-541-3577, to schedule a settlement conference.</p> <p>(JUDGE J. MICHAEL SEABRIGHT)(sna, )</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 01/10/2014)</p>
01/14/2014	51	<p>EO: Settlement Conference set for 1/16/2013 01:30 PM before JUDGE J. MICHAEL SEABRIGHT. (JUDGE J. MICHAEL SEABRIGHT)(tl, )</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 01/14/2014)</p>
01/16/2014	<u>52</u>	<p>EP: Settlement Conference held. Proposed settlement reached. Mr. Holcomb to confirm costs with client and submit stipulation with added language to Mr. Pyuns office. Counsel to contact the court by 12 noon, 1/17/2014 regarding status. (JUDGE J. MICHAEL SEABRIGHT)(tl, ) No COS issued for this docket entry (Entered: 01/17/2014)</p>
01/17/2014	53	<p>EO: In light of settlement, court vacates hearing date of 1/21/2014 and terminates <u>34</u> Motion for Summary Judgment; and <u>36</u> Motion for Judgment on the Pleadings. (JUDGE J. MICHAEL SEABRIGHT)(tl, )</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 01/17/2014)</p>
01/21/2014	<u>55</u>	<p>STIPULATION FOR DISMISSAL WITH PREJUDICE AND ORDER. Signed by JUDGE J. MICHAEL SEABRIGHT on 1/21/2014. (afc)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications will be served by first class mail on January 23, 2014. (Entered: 01/22/2014)</p>
02/04/2014	<u>56</u>	<p>First MOTION for Attorney Fees Richard L. Holcomb appearing for Plaintiff Hawaii Defense Foundation (Attachments: # <u>1</u> Memorandum in Support of Motion for Attorneys' Fees, # <u>2</u> Declaration of Richard L. Holcomb; Exhibit A, # <u>3</u> Declaration of Brian Brazier; Exhibit A, # <u>4</u> Declaration of Alan Beck, # <u>5</u> Declaration of Christopher Baker, # <u>6</u> Exhibit One – Policy, # <u>7</u> Exhibit Two – Cost of Living Index, # <u>8</u> Exhibit Three – Pacific Business News*, # <u>9</u> Exhibit Four – Laffey Matrix, # <u>10</u> Exhibit Five – Adjusted Laffey Matrix, # <u>11</u> Exhibit Six – Media Article, # <u>12</u> Exhibit Seven Media Article, # <u>13</u> Appendix 1, # <u>14</u> Appendix 2, # <u>15</u> Appendix 3, # <u>16</u> Appendix 4, # <u>17</u> Appendix 5, # <u>18</u> Appendix 6, # <u>19</u> Appendix 7, # <u>20</u> Appendix 8, # <u>21</u> Appendix 9, # <u>22</u> Appendix 10, # <u>23</u> Appendix 11, # <u>24</u> Appendix 12, # <u>25</u> Appendix 13, # <u>26</u> Appendix 14, # <u>27</u> Appendix 15, # <u>28</u> Appendix 16, # <u>29</u> Appendix 17, # <u>30</u> Appendix 18, # <u>31</u> Appendix 19, # <u>32</u> Appendix 20, # <u>33</u> Appendix 21, # <u>34</u> Appendix 22, # <u>35</u> Appendix 23, # <u>36</u> Appendix 24, # <u>37</u> Appendix 25, # <u>38</u> Appendix 26, # <u>39</u> Appendix 27, # <u>40</u> Appendix 28, # <u>41</u> Appendix 29, # <u>42</u> Appendix 30, # <u>43</u> Appendix 31, # <u>44</u> Appendix 32, # <u>45</u> Appendix 33, # <u>46</u> Appendix 34, # <u>47</u> Appendix 35, # <u>48</u> Appendix 36, # <u>49</u> Appendix 37, # <u>50</u> Appendix 38, # <u>51</u> Appendix 39, # <u>52</u> Appendix 40, # <u>53</u> Appendix 41, # <u>54</u> Appendix 42, # <u>55</u> Appendix 43, # <u>56</u> Certificate of Service)(Holcomb, Richard) Docket text modified on 2/5/2014. (afc) * Docket text modified on 2/6/2014: A complete copy of Exhibit 3 subsequently e-filed with an Errata. Please refer to docket entry no. <u>58</u>. (afc) (Entered: 02/04/2014)</p>
02/05/2014		<p><b>ADVISORY ENTRY.</b> Please be advised that the declarations of Brian Brazier and Alan Beck submitted in support of the <u>56</u> First MOTION for Attorney Fees filed by Hawaii Defense Foundation do not contain scanned images of the signatures. LR100.5.2. states "An electronically filed document requiring the original, wet signature of an individual other than the CM/ECF user, such as an affidavit or</p>



		declaration, must contain the original, or a scanned image of that individual's signature." The filing party may resubmit the declarations with the scanned images of the signature. The filing party is further advised (for future reference), that exhibits should be labeled (LR10.2.(d) ~ "All exhibits attached to papers shall show the exhibit number or letter at the bottom of the first page of the exhibit". (emt, ) (Entered: 02/05/2014)
02/05/2014	<u>57</u>	EO: Pursuant to Local Rule 54.3(f), the Court elects to decide <u>56</u> MOTION for Attorney Fees without a hearing. (JUDGE RICHARD L. PUGLISI)(agh) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 02/05/2014)
02/05/2014	<u>58</u>	Errata re <u>56</u> First MOTION for Attorney Fees . (Attachments: # <u>1</u> Exhibit Pacific Business News)(Holcomb, Richard) (Entered: 02/05/2014)
02/10/2014	<u>59</u>	Errata re <u>56</u> First MOTION for Attorney Fees <i>Corrected Declaration</i> . (Attachments: # <u>1</u> Declaration Declaration of Brian Brazier)(Holcomb, Richard) (Entered: 02/10/2014)
02/12/2014	<u>60</u>	Declaration of Alan Beck in Support of Motion re <u>56</u> First MOTION for Attorney Fees; <u>Exhibit A</u> . (Beck, Alan) Modified on 2/13/2014 (afc). (Entered: 02/12/2014)
02/13/2014		<b>ADVISORY ENTRY</b> re "Exhibit A" as included with docket entry number <u>60</u> Declaration of Alan Beck filed on behalf of plaintiffs. Local Rule 100.2.5 "Exhibits" states in part that "Each exhibit referenced in a document shall be submitted as a separate ECF attachment to the main document, regardless of the size of the file containing the exhibit." Unless directed to do so by the court, the document need not be re-filed. The Office of the Clerk will modify the docket text to reflect the inclusion of the exhibit. (afc) (Entered: 02/13/2014)
02/14/2014	<u>61</u>	STATEMENT of Consultation re <u>56</u> First MOTION for Attorney Fees <i>pursuant to LR 54.3(b)</i> filed by Hawaii Defense Foundation. (Holcomb, Richard) (Entered: 02/14/2014)
02/18/2014	<u>62</u>	MEMORANDUM in Opposition re <u>56</u> First MOTION for Attorney Fees filed by City and County of Honolulu, Andrew Lum. (Attachments: # <u>1</u> Declaration of Counsel, # <u>2</u> Certificate of Service)(Sherwood, Curtis) (Entered: 02/18/2014)
02/25/2014	<u>63</u>	REPLY to Memorandum in Opposition to Motion for Attorneys' Fees re: <u>56</u> filed by Hawaii Defense Foundation. (Attachments: # <u>1</u> Declaration Declaration of Richard L. Holcomb, # <u>2</u> Certificate of Service)(Holcomb, Richard) Docket text modified on 2/25/2014 to add document number link to correlate to the M/Atty Fees, doc no. (56). (afc). (Entered: 02/25/2014)
04/22/2014	<u>64</u>	FINDINGS AND RECOMMENDATION TO GRANT IN PART AND DENY IN PART PLAINTIFFS' MOTION FOR ATTORNEYS' FEES re: <u>56</u> . Signed by JUDGE RICHARD L. PUGLISI on 4/22/2014. (afc) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 04/22/2014)
05/05/2014	<u>65</u>	OBJECTION re <u>64</u> FINDINGS AND RECOMMENDATIONS re <u>56</u> First MOTION for Attorney Fees filed by Hawaii Defense Foundation filed by Hawaii Defense Foundation. (Attachments: # <u>1</u> Declaration of Richard L. Holcomb, # <u>2</u> Exhibit One Civil Beat Articles, # <u>3</u> Exhibit Two PBN Article, # <u>4</u> Exhibit Three Rail Fees, # <u>5</u> Appendix Olson v. Lui, # <u>6</u> Appendix Mancini, # <u>7</u> Appendix Marquez, # <u>8</u> Appendix Garden Grove, # <u>9</u> Appendix Hohlbein, # <u>10</u> Appendix DeCampo, # <u>11</u> Certificate of Service)(Holcomb, Richard) (Entered: 05/05/2014)
05/06/2014	<u>66</u>	Errata re <u>65</u> Objection. (Holcomb, Richard) (Entered: 05/06/2014)
05/06/2014	67	EO: On May 5, 2014, Plaintiffs filed their Objections to the Findings and Recommendation to Grant in Part and Deny in Part Plaintiffs' Motion for Attorneys' Fees. Doc. No. <u>65</u> . Defendants may file an optional Response by May 23, 2014. (JUDGE J. MICHAEL SEABRIGHT)(apg, ) <hr/>

		<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 05/06/2014)</p>
05/14/2014	<u>68</u>	STATEMENT of Consultation filed by Hawaii Defense Foundation. (Holcomb, Richard) (Entered: 05/14/2014)
05/21/2014	<u>69</u>	RESPONSE re <u>65</u> Objection,, filed by City and County of Honolulu, Andrew Lum. (Attachments: # <u>1</u> Certificate of Service)(Sherwood, Curtis) (Entered: 05/21/2014)
05/27/2014	<u>70</u>	REPLY re <u>69</u> Response to <i>Plaintiffs' Objections</i> filed by Hawaii Defense Foundation. (Attachments: # <u>1</u> Exhibit Exhibit One, # <u>2</u> Exhibit Exhibit Two, # <u>3</u> Certificate of Service)(Holcomb, Richard) (Entered: 05/27/2014)
06/19/2014	<u>71</u>	<p>ORDER ADOPTING IN PART AND MODIFYING IN PART FINDINGS AND RECOMMENDATION TO GRANT IN PART AND DENY IN PART PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, DOC. NO. <u>64</u> . Signed by JUDGE J. MICHAEL SEABRIGHT on 6/19/2014. (afc)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). All participants are registered to receive electronic notifications. (Entered: 06/19/2014)</p>