

**U.S. District Court
District of Hawaii (Hawaii)
CIVIL DOCKET FOR CASE #: 1:11-cv-00790-JMS-KSC**

Emmanuel Temple, The House Of Praise et al v. Abercrombie et al
Date Filed: 12/28/2011
Date Terminated: 10/03/2012
Assigned to: JUDGE J. MICHAEL SEABRIGHT
Jury Demand: None
Referred to: JUDGE KEVIN S.C. CHANG
Nature of Suit: 440 Civil Rights: Other
Cause: 42:1983 Civil Rights Act
Jurisdiction: Federal Question

Plaintiff

Emmanuel Temple, The House Of Praise

represented by **Shawn A. Luiz**
1132 Bishop Street, Ste 1520
Honolulu, HI 96813
538-0500
Fax: 538-0600
Email: attorneyluiz@msn.com
ATTORNEY TO BE NOTICED

Plaintiff

Carl E. Harris

represented by **Shawn A. Luiz**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Lighthouse Outreach Center Assembly Of God

represented by **Shawn A. Luiz**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Joe Hunkin, Jr.

represented by **Shawn A. Luiz**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Neil Abercrombie
in his official capacity as Governor of the State of Hawaii

represented by **John F. Molay**
Office of the Attorney General—State of Hawaii
Civil Rights Litigation
425 Queen Street
Honolulu, HI 96813
586-1494
Fax: 587-3077
Email: john.f.molay@hawaii.gov
ATTORNEY TO BE NOTICED

Defendant

Loretta J. Fuddy
in her official capacity as Directory of Health of the State of Hawaii

represented by **John F. Molay**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

State of Hawaii

represented by **John F. Molay**
(See above for address)
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|-----------|--|
| 12/28/2011 | <u>1</u> | COMPLAINT against All Defendants, filed by Joe Hunkin, Jr, Emmanuel Temple, The House Of Praise, Lighthouse Outreach Center Assembly Of God, Carl E. Harris. (Attachments: # <u>1</u> Summons, # <u>2</u> Civil Cover Sheet)(gls,) (Entered: 12/28/2011) |
| 12/28/2011 | <u>2</u> | Order Setting Rule 16 Scheduling Conference for 09:00AM on 4/2/2012 before JUDGE KEVIN S.C. CHANG. Signed by JUDGE SUSAN OKI MOLLWAY on 12/28/11. (Attachments: # <u>1</u> Corporate Disclosure Memo)(gls,) (Entered: 12/28/2011) |
| 12/28/2011 | <u>3</u> | Filing fee: \$ 350.00,receipt number HI002194 re <u>1</u> Complaint (gls,) (Entered: 12/28/2011) |
| 12/28/2011 | <u>4</u> | MOTION for Temporary Restraining Order and Preliminary Injunction Shawn A. Luiz appearing for Plaintiffs Emmanuel Temple, The House Of Praise, Carl E. Harris, Joe Hunkin, Jr, Lighthouse Outreach Center Assembly Of God (Attachments: # <u>1</u> Declaration of Carl E. Harris, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Declaration of Shawn A. Luiz, # <u>7</u> Exhibit 5, # <u>8</u> Exhibit 6)(gls,) (Entered: 12/28/2011) |
| 12/28/2011 | <u>5</u> | EO: Status Conference set for 12/29/2011 09:00 AM before JUDGE 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: 12/28/2011) |
| 12/29/2011 | <u>6</u> | EP: Status Conference held on 12/29/2011. Defendants opposition to the Complaint and Motion for Temporary Restraining Order <u>4</u> is due by today Thursday December 29, 2011 by 10:00pm. Response due by 8:00 am tomorrow, Friday December 30, 2011. (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: 12/29/2011) |
| 12/29/2011 | <u>7</u> | RESPONSE in Opposition re <u>4</u> MOTION for Temporary Restraining Order MOTION for Preliminary Injunction filed by Neil Abercrombie, Loretta J. Fuddy, State of Hawaii. (Attachments: # <u>1</u> Certificate of Service)(Molay, John) (Entered: 12/29/2011) |
| 12/29/2011 | <u>9</u> | SUMMONS Returned Executed Loretta J. Fuddy served on 12/28/2011, answer due 1/18/2012. (gls,) (Additional attachment(s) added on 12/30/2011: # <u>1</u> Second return) (gls,). (Entered: 12/30/2011) |
| 12/29/2011 | <u>10</u> | SUMMONS Returned Executed Neil Abercrombie served on 12/28/2011, answer due 1/18/2012. (gls,) (Additional attachment(s) added on 12/30/2011: # <u>1</u> Second Return) (gls,). (Entered: 12/30/2011) |
| 12/29/2011 | <u>11</u> | SUMMONS Returned Executed State of Hawaii served on 12/28/2011, answer due 1/18/2012. (gls,) (Entered: 12/30/2011) |
| 12/30/2011 | <u>8</u> | REPLY in Support of <u>4</u> Motion for Temporary Restraining Order and Preliminary Injunction filed by Emmanuel Temple, The House Of Praise. (Luiz, Shawn) Modified on 1/3/2012 to add linkage to <u>4</u> Motion for Temporary Restraining Order and Preliminary Injunction and to clarify docket text (emt,). (Entered: 12/30/2011) |
| 12/30/2011 | <u>12</u> | ORDER Denying Plaintiffs' Motion For Temporary Restraining Order re <u>4</u> . Signed by JUDGE J. MICHAEL SEABRIGHT on 12/30/11. (gls,) <hr/> CERTIFICATE OF SERVICE |

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| | | 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: 12/30/2011) |
| 01/04/2012 | <u>13</u> | EO: Status Conference set for 1/9/2012 11:00 AM before JUDGE 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: 01/04/2012) |
| 01/09/2012 | <u>14</u> | EP: Motion Hearing held on 1/9/2012. By agreement of the parties, the Motion for Preliminary Injunction is denied without prejudice as moot. Upon suggestion of Plaintiffs, the parties are to meet and confer regarding a possible stay of this action pending consideration of related matters in the upcoming Legislative session. By January 18, 2012, the parties are to submit a letter to the court indicating whether such a stay is appropriate. If a stay is not agreed to, Defendants as indicated at the hearing may proceed to answer or file a motion to dismiss the Complaint.(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: 01/09/2012) |
| 01/19/2012 | <u>15</u> | EO:By agreement of the parties as set forth in Plaintiffs letter of 1/18/2012, this case is STAYED until further order of the court. The Rule 16 conference of 4/2/2012 is VACATED. The parties shall provide a letter to the court by 4/19/2012 indicating the status of any related matters (e.g., H.B. 1244) in the current Legislative session. (JUDGE J. MICHAEL SEABRIGHT)(lls,) <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: 01/19/2012) |
| 01/20/2012 | <u>16</u> | Correspondence re: Letter to Judge Seabright (gls,) Modified on 4/19/2012 (apg,). (Entered: 01/23/2012) |
| 04/19/2012 | <u>17</u> | EO: By agreement of the parties as indicated in the April 19, 2012 letter from Defendant, this action remains STAYED for an additional ninety days. A Status Conference is set for July 19, 2012 at 9:00 a.m. before JUDGE J. MICHAEL SEABRIGHT. If there are further relevant developments resulting from the current legislative session before that date, the parties may contact the court for an earlier conference. (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: 04/19/2012) |
| 04/19/2012 | <u>18</u> | Letter from AG's Office to Judge Seabright (gls,) (Entered: 04/20/2012) |
| 07/19/2012 | <u>19</u> | EP: Status Conference held on 7/19/2012. Defendant to file a motion by 8/31/2012, Plaintiff to file an opposition by 8/31/2012, defendants reply by 9/14/2012. Motion hearing to be held on Monday October 1, 2012 at 10:00am. (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: 07/19/2012) |
| 07/19/2012 | <u>20</u> | EP: Amended Minutes RE: <u>19</u> Status Conference. Defendant's Motion to be filed by August 3, 2012. (JUDGE J. MICHAEL SEABRIGHT)(apg,) |

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| | | <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: 07/19/2012)</p> |
| 07/27/2012 | <u>21</u> | MOTION to Dismiss John F. Molay appearing for Defendants Neil Abercrombie, Loretta J. Fuddy, State of Hawaii (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of John F. Molay, # <u>3</u> Exhibit A, # <u>4</u> Certificate of Service)(Molay, John) (Entered: 07/27/2012) |
| 07/27/2012 | 22 | <p>NOTICE of Hearing on Motion <u>21</u> MOTION to Dismiss : . Motion Hearing set for 10/1/2012 10:00 AM before JUDGE J. MICHAEL SEABRIGHT. (apg,)</p> <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: 07/27/2012)</p> |
| 08/31/2012 | <u>23</u> | MEMORANDUM in Opposition to <i>Defendants Motion to Dismiss, filed July 27, 2012</i> filed by Emmanuel Temple, The House Of Praise. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Luiz, Shawn) (Entered: 08/31/2012) |
| 09/04/2012 | <u>24</u> | REPLY to Response to Motion re <u>21</u> MOTION to Dismiss filed by Neil Abercrombie, Loretta J. Fuddy, State of Hawaii. (Attachments: # <u>1</u> Certificate of Service)(Molay, John) (Entered: 09/04/2012) |
| 10/01/2012 | <u>25</u> | <p>EP: Motion Hearing held on 10/1/2012 re <u>21</u> MOTION to Dismiss filed by Loretta J. Fuddy, State of Hawaii, Neil Abercrombie. Motion to Dismiss <u>21</u> – GRANTED; Court to prepare order. DOP=10/1/2012. (Court Reporter Gloria Bediamol.) (JUDGE J. MICHAEL SEABRIGHT)(apg,)</p> <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: 10/01/2012)</p> |
| 10/03/2012 | <u>26</u> | <p>ORDER Granting Defendants' Motion To Dismiss And Dismissing Action re <u>25</u> , <u>21</u> . Signed by JUDGE J. MICHAEL SEABRIGHT on 10/2/12. (gls,)</p> <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> |
| 10/03/2012 | <u>27</u> | <p>JUDGMENT In A Civil Case. by Sue Beitia, Clerk/GS, Deputy Clerk on 10/3/12. (gls,)</p> <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> |