

CLOSED

**U.S. District Court  
District of Hawaii (Hawaii)  
CIVIL DOCKET FOR CASE #: 1:13-cv-00649-SOM-KSC**

Amsterdam v. Abercrombie et al  
Assigned to: JUDGE SUSAN OKI MOLLWAY  
Referred to: JUDGE KEVIN S.C. CHANG

Case in other court: Ninth Circuit Court of Appeals, 14-15377  
Cause: 42:1983 Civil Rights Act

Date Filed: 11/25/2013  
Date Terminated: 02/19/2014  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff****C. Kai Jochanan Amsterdam**

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address in upper left hand corner reflects  
1425 Pensacola St., # 12, Honolulu, HI  
96822]*

represented by **C. Kai Jochanan Amsterdam**  
1415 Pensacola Street., # 12  
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PRO SE

V.

**Defendant****Governor Neil Abercrombie**

*Individually and Governor of the State of  
Hawaii*

represented by **John F. Molay**  
Office of the Attorney General-State of  
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Civil Rights Litigation  
425 Queen Street  
Honolulu, HI 96813  
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Email: [john.f.molay@hawaii.gov](mailto:john.f.molay@hawaii.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant****Clayton Hee**

*Senator and Individually*

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

**Defendant****Joseph Souki**

*Representative and Individually*

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

**Defendant****Donna Mercado Kim**

*Senator and Individually*

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

**Defendant****Karl Rhoads**

*Representative and Individually*

represented by **John F. Molay**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
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11/25/2013	<u>1</u>	COMPLAINT -- "Plaintiff's Motion for Judgement to Enjoin Senate Bill 1, HRS, Chapter 572, Equal Rights, Act Relating to Individuals of the Same Sex 11/13, 2013; Hawaii Marriage Equality Act 2013" against All Defendants filed by C. Kauai Jochanan Amsterdam. (Attachments: # <u>1</u> Appendix, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B)(emt, ) (Entered: 11/25/2013)
11/25/2013	<u>2</u>	Order Setting Rule 16 Scheduling Conference for 09:00AM on 2/24/2014 before JUDGE KEVIN S.C. CHANG – Signed by CHIEF JUDGE SUSAN OKI MOLLWAY on 11/25/13. (Attachments: # <u>1</u> Memo from Clerk Re: Corporate Disclosure Statements)(emt, ) (Entered: 11/25/2013)
11/25/2013	<u>3</u>	Filing fee: \$ 400, receipt number HI010133 re <u>1</u> Complaint. (emt, ) (Entered: 11/25/2013)
11/25/2013	<u>4</u>	Plaintiff's MOTION for Judgement to Enjoin Senate Bill 1, HRS, Chapter 572, Equal Rights, Act Relating to Individuals of the Same Sex 11/13/2013, Hawaii Marriage Equality Act 2013 – by Plaintiff C. Kauai Jochanan Amsterdam (emt, ) (Entered: 11/25/2013)
11/25/2013	<u>5</u>	Plaintiff's MOTION for an Immediate Temporary Injunction on Senate Bill 1, HRS Chapter 572, Equal Rights, Act Relating to Individuals of the Same Sex, 11/13, 2013, Cease and Desist in Issuance of Marriage Licenses, 12/2/13; Certificate of Service – by Plaintiff C. Kauai Jochanan Amsterdam (emt, ) (Entered: 11/25/2013)
11/25/2013	<u>6</u>	Plaintiff's DECLARATION Regarding Senate Bill 1, HRS, Chapter 572, Equal Rights Act, Relating to Individuals of the Same Sex re <u>1</u> , <u>4</u> , <u>5</u> – by C. Kauai Jochanan Amsterdam. (emt, ) (Entered: 11/25/2013)
11/26/2013	<u>7</u>	ORDER DISMISSING CASE; ORDER DENYING AS MOOT ALL PENDING MOTIONS re <u>1</u> , <u>4</u> , <u>5</u> – Signed by CHIEF JUDGE SUSAN OKI MOLLWAY on 11/26/13. "In case Amsterdam intended to assert violations of his First and Fourteenth Amendment rights under the United States Constitution, the court invites him to file a First Amended Complaint no later than December 24, 2013. If Amsterdam fails to timely amend his Complaint, the Clerk of Court is directed to enter judgment in favor of Defendants. The Clerk of Court is directed to send a copy of this order to David M. Louie, Attorney General for the State of Hawaii, 425 Queen Street, Honolulu, Hawaii 96813." (emt, ) <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). Kauai C. Jochanan Amsterdam shall be served by first class mail at the address of record on November 27, 2013. A copy of this order shall be served to David M. Louie, Attorney General for the State of Hawaii, at 425 Queen Street, Honolulu, HI 96813 on November 27, 2013. (Entered: 11/26/2013)
11/27/2013	<u>8</u>	Summons Issued as to Neil Abercrombie, Clayton Hee, Donna Mercado Kim, Karl Rhoads, Joseph Souki. (emt, ) (Entered: 11/29/2013)
12/24/2013	<u>9</u>	<b>AMENDED COMPLAINT</b> ; Plaintiff's Motion for Judgement to Enjoin Hawaii Marriage Equalit Act of 2013, 11/13/2013 against Neil Abercrombie, Clayton Hee, Donna Mercado Kim, Karl Rhoads, Joseph Souki – filed by C. Kauai Jochanan Amsterdam.(emt, ) (Entered: 12/26/2013)
12/24/2013	<u>10</u>	Summons Issued as to Karl Rhoads. (emt, ) (Entered: 12/26/2013)
12/24/2013	<u>11</u>	Summons Issued as to Donna Mercado Kim. (emt, ) (Entered: 12/26/2013)
12/24/2013	<u>12</u>	Summons Issued as to Clayton Hee. (emt, ) (Entered: 12/26/2013)
12/24/2013	<u>13</u>	Summons Issued as to Joseph Souki. (emt, ) (Entered: 12/26/2013)
12/24/2013	<u>14</u>	Summons Issued as to Neil Abercrombie. (emt, ) (Entered: 12/26/2013)
12/24/2013	<u>15</u>	Plaintiff's MOTION for an Immediate Temporary Injunction on the Hawaii Marriage Act of 2013, Cease and Desist in the Issuance of Marriage Licenses – by Plaintiff C. Kauai Jochanan Amsterdam (emt, ) (Entered: 12/26/2013)
12/24/2013	<u>16</u>	MOTION for Judgement to Enjoin the Hawaii Marriage Equality Act of 2013 – by Plaintiff C. Kauai Jochanan Amsterdam (emt, ) (Entered: 12/26/2013)
12/24/2013	<u>17</u>	Plaintiff's DECLARATION Regarding the Hawaii Marriage Equality Act of 2013 re <u>15</u> , <u>16</u> – by C. Kauai Jochanan Amsterdam. (emt, ) (Entered: 12/26/2013)

12/26/2013	<u>18</u>	EO: re <u>15</u> MOTION for an Immediate Temporary Injunction on the Hawaii Marriage Act of 2012, Cease and Desist in the Issuance of Marriage Licenses, <u>16</u> MOTION for Judgement to Enjoin the Hawaii Marriage Equality Act of 2013. Plaintiff's Motion for an Immediate Temporary Injunction on the Hawaii Marriage Act of 2013, Cease and Desist in the Issuance of Marriage Licenses and Plaintiffs Motion for Judgement to Enjoin the Hawaii Marriage Equality Act of 2013 will be considered by Judge Susan Oki Mollway as Non Hearing Motions. Memorandum in Opposition is due 1/10/2014. Reply Memorandum is due 1/27/2014. Plaintiff's Motion for an Immediate Temporary Injunction on the Hawaii Marriage Act of 2013, Cease and Desist in the Issuance of Marriage Licenses and Plaintiffs Motion for Judgement to Enjoin the Hawaii Marriage Equality Act of 2013 will be taken under Advisement by Judge Susan Oki Mollway thereafter. (JUDGE SUSAN OKI MOLLWAY)(wnn, ) <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: 12/26/2013)</p>
12/27/2013	<u>19</u>	REQUEST for Grammatical Corrections – by Plaintiff C. Kauai Jochanan Amsterdam (emt, ) (Entered: 12/27/2013)
12/27/2013	<u>20</u>	NOTICE of Appearance by John F. Molay on behalf of Neil Abercrombie, Clayton Hee, Donna Mercado Kim, Karl Rhoads, Joseph Souki on behalf of Neil Abercrombie, Clayton Hee, Donna Mercado Kim, Karl Rhoads, Joseph Souki. (Attachments: # <u>1</u> Certificate of Service)(Molay, John) (Entered: 12/27/2013)
12/27/2013	<u>21</u>	Summons Returned Unexecuted by C. Kauai Jochanan Amsterdam as to Karl Rhoads. (Attachments: # <u>1</u> copy of Amended Complaint, # <u>2</u> copy of Motion for Judgement, # <u>3</u> copy of Declaration, # <u>4</u> copy of Motion for Immediate Temporary Injunction)(emt, ) (Entered: 12/30/2013)
12/27/2013	<u>22</u>	SUMMONS Returned Executed by C. Kauai Jochanan Amsterdam. Neil Abercrombie served on 12/27/2013, answer due 1/17/2014. (emt, ) (Entered: 12/30/2013)
12/27/2013	<u>23</u>	SUMMONS Returned Executed by C. Kauai Jochanan Amsterdam. Clayton Hee served on 12/27/2013, answer due 1/17/2014. (emt, ) (Entered: 12/30/2013)
12/27/2013	<u>24</u>	SUMMONS Returned Executed by C. Kauai Jochanan Amsterdam. Donna Mercado Kim served on 12/27/2013, answer due 1/17/2014. (emt, ) (Entered: 12/30/2013)
12/27/2013	<u>25</u>	SUMMONS Returned Executed by C. Kauai Jochanan Amsterdam. Joseph Souki served on 12/27/2013, answer due 1/17/2014. (emt, ) (Entered: 12/30/2013)
12/30/2013	<u>26</u>	EO: re <u>19</u> On 12/27/13, Plaintiff filed a Request for Grammatical Corrections. The Court hereby construes the Request as an errata. (JUDGE KEVIN S.C. CHANG)(sna, ) <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: 12/30/2013)</p>
01/10/2014	<u>27</u>	MEMORANDUM in Opposition re <u>15</u> MOTION for an Immediate Temporary Injunction on the Hawaii Marriage Act of 2012, Cease and Desist in the Issuance of Marriage Licenses, <u>16</u> MOTION for Judgement to Enjoin the Hawaii Marriage Equality Act of 2013 filed by Neil Abercrombie, Clayton Hee, Donna Mercado Kim, Karl Rhoads, Joseph Souki. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Declaration of Brian Y. Horiuchi, # <u>3</u> Certification of Word Count, # <u>4</u> Certificate of Service)(Molay, John) (Entered: 01/10/2014)
01/13/2014	<u>28</u>	CERTIFICATE OF SERVICE by Neil Abercrombie, Clayton Hee, Donna Mercado Kim, Karl Rhoads, Joseph Souki re <u>27</u> Memorandum in Opposition to Motion, <i>Amended Certificate of Service</i> . (Molay, John) (Entered: 01/13/2014)
01/14/2014	<u>29</u>	MOTION to Dismiss for failure to State a Claim , <i>etc. and</i> John F. Molay appearing for Defendants Neil Abercrombie, Clayton Hee, Donna Mercado Kim, Karl Rhoads, Joseph Souki (Attachments: # <u>1</u> Memorandum in Support of Motion to Dismiss, # <u>2</u>

		Exhibit A, # <u>3</u> Certification of Word Count, # <u>4</u> Certificate of Service)(Molay, John) (Entered: 01/14/2014)
01/15/2014	30	NOTICE of Hearing on Motion <u>29</u> MOTION to Dismiss for failure to State a Claim , <i>etc. and</i> , <u>16</u> MOTION for Judgement to Enjoin the Hawaii Marriage Equality Act of 2013, <u>15</u> MOTION for an Immediate Temporary Injunction on the Hawaii Marriage Act of 2012, Cease and Desist in the Issuance of Marriage Licenses .: Motion Hearing set for 2/24/2014 09:00 AM before JUDGE SUSAN OKI MOLLWAY. (tbf, ) <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: 01/15/2014)
01/27/2014	<u>31</u>	Plaintiff's REPLY Memorandum to Defendant's Memorandum in Opposition to Plaintiff's Motion for an Immediated Temporary Injunction on the Hawaii Marriage Act of 2013, Cease and Desist in the Issuance of Marriage Licenses and Plaintiff's Motion for Judgement to Enjoin the Hawaii Marriage Act of 2013, filed December 26, 2013; Defendant's Opposition Memorandum filed January 10, 2014; Certificate of Service re <u>15</u> , <u>16</u> – filed by C. Kauai Jochanan Amsterdam. (Although referenced in the caption, this document does not include a Certificate of Service) (emt, ) (Entered: 01/28/2014)
02/14/2014	32	EO: At Defendant's request, Rule 16 Scheduling Conference set 2/24/14 shall be continued to 09:00AM on 3/28/2014 before JUDGE KEVIN S.C. CHANG. Rule 16 Scheduling Conference statements due: 3/21/14. Marnie with John F. Molay to notify all parties. (JUDGE KEVIN S.C. CHANG)(sna, )No COS issued for this docket entry (Entered: 02/14/2014)
02/19/2014	<u>33</u>	Plaintiff's <b>Amended</b> REPLY MEMORANDUM to Defendant's Opposition to Plaintiff's Motion for an Immediate Temporary Injunction on the Hawaii Marriage Equality Act of 2013, Cease and Desist in the Issuance of Marriage Licenses and Plaintiff's Motion for Judgement to Enjoin the Hawaii Marriage Equlaity Act of 2013 filed December 26, 2013; Defendant's Oppositional Memorandum filed January 10, 2014; Certificate of Service re <u>15</u> , <u>16</u> – filed by C. Kauai Jochanan Amsterdam. (emt, ) (Entered: 02/19/2014)
02/19/2014	<u>34</u>	ORDER GRANTING MOTION TO DISMISS AND DENY AS MOOT ALL OTHER PENDING MOTIONS <u>15</u> ; <u>16</u> ; <u>29</u> – Signed by CHIEF JUDGE SUSAN OKI MOLLWAY on 2/19/2014. " The court grants the State's motion to dismiss, and denies as moot all other pending motions. The Clerk of Court is directed to enter judgment for Defendants and to close this case." (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). C. Kauai Jochanan Amsterdam shall be served by first class mail at the address of record on February 20, 2014. (Entered: 02/19/2014)
02/19/2014	<u>35</u>	CLERK'S JUDGMENT entered on 2/19/2014 pursuant to <u>34</u> ORDER GRANTING MOTION TO DISMISS AND DENY AS MOOT ALL OTHER PENDING MOTIONS. (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). C. Kauai Jochanan Amsterdam shall be served by first class mail at the address of record on February 20, 2014. (Entered: 02/19/2014)
02/24/2014	<u>36</u>	REQUEST to Strike My Testimony from this Case (Declaration of Patricia O. Nakama) – by C. Kauai Jochanan Amsterdam. (emt, ) (Entered: 02/24/2014)
02/24/2014	37	EO: The "Request To Strike My Testimony From This Case" is denied, but Plaintiff's statements clarifying his earlier statements are included in the record in the form of the filing of his Request. (JUDGE SUSAN OKI MOLLWAY)(tbf, ) <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: 02/24/2014)
02/25/2014	<u>38</u>	NOTICE OF APPEAL re <u>34</u> , <u>35</u> – by C. Kaiu Jochanan Amsterdam. Filing fee \$ 505. <b>9CCA NO.14-15377</b> (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. The Ninth Circuit Court of Appeals served. Modified on 2/28/2014 (emt, ). (Entered: 02/25/2014)
02/25/2014	<u>39</u>	USCA Appeal Fees received re <u>38</u> Notice of Appeal filed by C. Kaiu Jochanan Amsterdam (emt, ) (Entered: 02/25/2014)
02/28/2014	<u>40</u>	USCA Case Number 14-15377 for <u>38</u> Notice of Appeal filed by C. Kaiu Jochanan Amsterdam. (emt, ) (Entered: 02/28/2014)
02/28/2014	<u>41</u>	USCA TIME SCHEDULE ORDER as to <u>38</u> Notice of Appeal filed by C. Kaiu Jochanan Amsterdam, 9CCA NO. 14-15377. (emt, )No COS issued for this docket entry (Entered: 02/28/2014)
02/28/2014	<u>42</u>	<u>Attorney/Pro Se Appeal Packet</u> re <u>38</u> Notice of Appeal filed by C. Kaiu Jochanan Amsterdam; 9CCA NO. 14-15377. (Attachments: # <u>1</u> Notice of Appeal, # <u>2</u> Instructions for Civil Cases, # <u>3</u> Additional Instructions for Transcript Designation and Ordering Form, # <u>4</u> Letter Re: Court Reporters, # <u>5</u> Transcript Designation and Ordering Form, # <u>6</u> Docket Sheet)(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). C. Kaiu Jochanan Amsterdam served by first class mail at the address of record on February 28, 2014. (Entered: 02/28/2014)
03/07/2014	<u>43</u>	TRANSCRIPT Designation and Ordering Form by C. Kaiu Jochanan Amsterdam, 9CCA NO. 14-15377. (NO TRANSCRIPTS REQUESTED) (emt, ) (Additional attachment(s) added on 3/12/2014: # <u>1</u> Mailing Documentation) (emt, ). (Entered: 03/12/2014)
03/13/2014	<u>44</u>	Letter addressed to the Ninth Circuit Court of Appeals from the Clerks Office, dated March 13, 2014 -- Re: Forwarding "Statement of Issues" received from C. Kaiu Jochanan Amsterdam on March 7, 2014. (Attachments: # <u>1</u> Statement of the Issues, # <u>2</u> Mailing Documentation) (emt, ) (Entered: 03/13/2014)
08/04/2016	<u>45</u>	MEMORANDUM of USCA as to <u>38</u> Notice of Appeal (No. 14-15377) filed by C. Kaiu Jochanan Amsterdam : AFFIRMED. (ecs, )No COS issued for this docket entry (Entered: 08/05/2016)
08/24/2016	<u>46</u>	ORDER of USCA as to <u>38</u> Notice of Appeal filed by C. Kaiu Jochanan Amsterdam, 9CCA NO. 14-15377: "Amsterdam's motion for an extension of time to file a petition for rehearing is granted. Any petition for rehearing is due on September 6, 2016." (emt, ) <hr/> CERTIFICATE OF SERVICE Parties served by Ninth Circuit Court of Appeals. (Entered: 08/25/2016)
10/24/2016	<u>47</u>	ORDER of USCA as to <u>38</u> Notice of Appeal filed by C. Kaiu Jochanan Amsterdam. 9CCA NO. 14-15377: Rodney Iaea's motion for leave to file amicus curae brief is denied. Appellant's petition for rehearing en banc is denied. (emt, ) <hr/> CERTIFICATE OF SERVICE Parties served by Ninth Circuit Court of Appeals. (Entered: 10/24/2016)

11/02/2016	<u>48</u>	<p>MANDATE of USCA as to <u>38</u> Notice of Appeal filed by C. Kauai Jochanan Amsterdam, 9CCA NO. 14-15377: "The judgment of this Court, entered August 04, 2016, takes effect this date. This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure." (emt, )</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). C. Kauai Jochanan Amsterdam served by first class mail at the address of record on November 2, 2016. (Entered: 11/02/2016)</p>
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