

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

May 5, 2015

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Committee of the Whole, having met on April 20, 2015, makes reference to County Communication 15-6, from Councilmember Mike White, regarding litigation matters.

By correspondence dated April 10, 2015, the Department of the Corporation Counsel requested consideration of the possible settlement of Stratford Goodhue and Doreen Goodhue v. County of Maui, et al., Civil 14-00006 ACK/KSC. Attached to the request is a copy of the First Amended Complaint and a proposed resolution entitled "AUTHORIZING SETTLEMENT OF STRATFORD GOODHUE AND DOREEN GOODHUE V. COUNTY OF MAUI, ET AL., CIVIL NO. 14-00006 ACK/KSC". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case on behalf of the County.

Your Committee notes the complaint alleges that, on or about October 5, 2013, the Goodhues were "offering a religious pamphlet to passers-by while standing on a public sidewalk near the entrance to the Maui Fair fairgrounds when officers of the Maui Police Department ordered them to cease their protected First Amendment activities and ejected them." The Goodhues seek declaratory and injunctive relief, attorneys' fees, costs, and actual and nominal damages.

A Deputy Corporation Counsel provided a brief overview of the case and requested the opportunity to discuss the matter in an executive meeting, closed to the public.

Your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel pursuant to Section 92-5(a)(4), Hawaii Revised Statutes; and to deliberate or make a decision upon a matter that requires the consideration of information that must be kept

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COMMITTEE OF THE WHOLE

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confidential pursuant to a State or Federal law, or a court order, pursuant to Section 92-5(a)(8), Hawaii Revised Statutes.

Following the executive meeting, your Committee reconvened in regular session. Based on the information received and the recommendation of the Department of the Corporation Counsel, your Committee decided against authorizing settlement of the case, and voted 7-0 to recommend filing of the correspondence from the Department of the Corporation Counsel, transmitting the proposed resolution. Committee Chair Guzman, Vice-Chair Crivello, and members Baisa, Carroll, Hokama, Victorino, and White voted "aye". Committee members Cochran and Couch were excused.

Your Committee notes filing of the correspondence does not resolve the ongoing claim, but merely disposes of the matter pending before your Committee.

Your Committee of the Whole **RECOMMENDS** that the correspondence dated April 10, 2015, from the Department of the Corporation Counsel, attached hereto, be FILED.

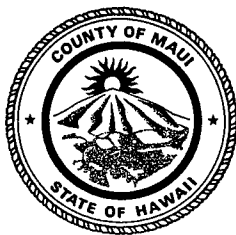
This report is submitted in accordance with Rule 8 of the Rules of the Council.



DON S. GUZMAN, Chair

low-1(9)

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Mayor



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COUNTY COUNCIL

April 10, 2015

MEMO TO: Don Guzman, Chair
Committee of the Whole

FROM: Thomas W. Kolbe, Deputy Corporation Counsel *RBR FOR*

SUBJECT: LITIGATION MATTERS - Settlement of Claims and Lawsuits
(PIA-1) Stratford Goodhue and Doreen Goodhue v. County
of Maui; Civil No.: 14-00006 ACK-KSC

Our Department respectfully request the opportunity to present information to the Policy and Intergovernmental Affairs Committee and to discuss settlement options with regard to the above-referenced lawsuit.

This matter is time sensitive, as there is a settlement conference with the court scheduled for April 24, 2015. The Court has requested that this matter be presented to the Committee prior to the settlement conference.

Copies of the Resolution authorizing settlement and first amended Complaint are attached.

It is anticipated that an executive session may be necessary to discuss questions and issues pertaining to the powers, duties, privileges, immunities and liabilities of the County, the Council, and the Committee.

We request that a representative from Department of Police be in attendance during discussion of this matter.

Should you have any questions or concerns, please do not hesitate to contact me. Thank you for your anticipated assistance in this matter.

cc: Tivoli S. Faaumu, Chief of Police

Resolution

AUTHORIZING SETTLEMENT OF STRATFORD GOODHUE AND
DOREEN GOODHUE V. COUNTY OF MAUI, ET AL.,
CIVIL NO. 14-00006 ACK/KSC

WHEREAS, Plaintiffs Stratford Goodhue and Doreen Goodhue filed a lawsuit in the United States District Court for the District of Hawaii on January 7, 2014, Civil No. 14-00006 ACK/KSC, against the County of Maui, claiming a violation of their First Amendment rights in an incident that occurred on October 5, 2013; and

WHEREAS, Plaintiffs filed a first amended complaint on May 12, 2014 that added Sergeant Darrell Ramos and Officer Asbel Polanco of the Maui Police Department as defendants; and

WHEREAS, the County of Maui, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, will attempt to reach a resolution of this case by way of a negotiated settlement or Offer of Judgment; and

WHEREAS, the Department of the Corporation Counsel has requested authority to settle this case under the terms set forth in an executive meeting before the Committee of the Whole; and

WHEREAS, having reviewed the facts and circumstances regarding this case and being advised of attempts to reach resolution of this case by way of a

Resolution No. _____

negotiated settlement or Offer of Judgment by the Department of the Corporation Counsel, the Council wishes to authorize the settlement; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby approves settlement of this case under the terms set forth in an executive meeting before the Committee of the Whole; and

2. That it hereby authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case, under such terms and conditions as may be imposed, and agreed to, by the Corporation Counsel; and

3. That it hereby authorizes the Director of Finance of the County of Maui to satisfy said settlement of this case, under such terms and conditions as may be imposed, and agreed to, by the Corporation Counsel; and

4. That certified copies of this resolution be transmitted to the Mayor, the Director of Finance, the Chief of Police and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



THOMAS KOLBE
Deputy Corporation Counsel
County of Maui

ORIGINAL

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAY 12 2014

at 5 o'clock and 35 min. P.M. *g*
SUE BEITIA, CLERK

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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

STRATFORD GOODHUE and
DOREEN GOODHUE,

Plaintiffs,

vs.

COUNTY OF MAUI, a municipal
corporation; DARRELL RAMOS,
Sergeant, Maui Police Department, in

CIV. NO. 14-00006 ACK-KSC

[CIVIL RIGHTS ACTION]

**FIRST AMENDED COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF AND
DAMAGES; AND SUMMONS IN A
CIVIL CASE**

his individual capacity; ASBEL
POLANCO, Officer, Maui Police
Department, in his individual capacity,
and DOES 3-30,

Defendants.

COUNTY OF MAUI, et al.,

Third-Party Plaintiff,

vs.

MAUI FAIR ALLIANCE and AVERY
CHUMBLEY,

Third-Party Defendants.

FIRST AMENDED COMPLAINT

COME NOW Plaintiffs **STRATFORD GOODHUE** and **DOREEN GOODHUE**, by and through the undersigned attorneys, and allege as follows:

INTRODUCTION

1. This action is for damages and for declaratory and injunctive relief arising out of Defendants' violations of Plaintiffs' civil rights and civil liberties guaranteed to them by the First Amendment to the United States Constitution.

2. Pastor Goodhue is an ordained Christian Pastor. He and his wife, Doreen Goodhue, were offering a religious pamphlet to passers-by while standing on a public sidewalk near the entrance to the Maui Fair fairgrounds when officers

of the Maui Police Department ordered them to cease their protected First Amendment activities and ejected them from a public sidewalk that was otherwise open to the public.

3. The Plaintiffs' First Amendment fundamental right to distribute religious literature on Maui County's public sidewalks and parks has been clear and firmly established for over seventy years based on decisions by the United States Supreme Court that: (1) "Wherever the title of streets and parks may apply, they have immemorially been held in trust for the use of the public and, time out of mind, have been used for the purposes of assembly, communicating thoughts between citizens, and discussing public questions"; and (2) the distribution of religious literature "occupies the same high estate under the First Amendment as do worship in the churches and preaching from the pulpits."

4. Consequently, Plaintiffs seek declaratory and injunctive relief, and damages, from Maui County and the two police officers who threatened them, for this violation of their classic right to "preach in the town square."

JURISDICTION AND VENUE

5. This action is brought pursuant to the Civil Rights Act of 1871, 42 U.S.C. §§ 1983 and 1988, to redress the deprivation, under color of law, of rights secured the by the United States Constitution.

6. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343, since this case involves a civil action that is brought to redress a deprivation of a right secured by the Constitution of the United States.

7. This Court is authorized to order declaratory and injunctive relief pursuant to Rule 57 of the Federal Rules of Civil Procedure and 28 U.S.C. §§ 2201 and 2202.

8. This Court has proper venue pursuant to 28 U.S.C. § 1391(b) because Defendants reside in this district and the events giving rise to these claims occurred in this district.

THE PARTIES

PLAINTIFFS

9. At all times relevant to this action, Plaintiffs Stratford Goodhue and Doreen Goodhue resided within the County of Maui, State of Hawaii.

10. Stratford Goodhue ("Pastor Goodhue") is an ordained Christian pastor. For the last few years, he and his wife, Doreen, have distributed pamphlets while standing on public property. The pamphlets consist of one piece of paper containing text that promotes Pastor Goodhue's religious views.

11. Pastor and Mrs. Goodhue have specific concrete plans to distribute these pamphlets during upcoming Maui Friday Town Parties and at or near future

Maui Fair events while standing on publically accessible areas including streets and sidewalks maintained by the County of Maui.

DEFENDANTS

12. Defendant COUNTY OF MAUI (“County”) is a political subdivision and municipal corporation within the State of Hawaii, and includes the Maui Police Department (“MPD”).

13. The violations of Plaintiffs’ First Amendment rights, as set forth herein, were the result of employees and/or agents of Defendant County acting pursuant to the official policies and/or customs of the County, and/or because those actions have been approved, ratified, and/or enforced by persons and/or entities with decision-making authority. The County is sued both for damages to redress past violations of Pastor and Mrs. Goodhue’s First Amendment rights and for prospective relief intended to prevent future violations of Plaintiffs’ First Amendment rights.

14. Defendants DARRELL RAMOS and ASBEL POLANCO are Maui Police Department (“MPD”) Officers who participated in the violation of Plaintiffs’ First Amendment rights, as set forth herein. Defendant Ramos is a Sergeant with the Maui Police Department, and, on information and belief, is a citizen of the United States and a resident of Maui County. Defendant Polanco is an Officer with the Maui Police Department and, on information and belief, is a

citizen of the United States and a resident of Maui County. Defendants Ramos and Polanco are sued in their individual capacities only.

15. Plaintiffs are unaware of the true names and capacities of Defendants DOES 3 THROUGH 30 and therefore sues said Defendants by such fictitious names. Plaintiffs will amend this Complaint to allege their true names and capacities and thereon allege that each of the fictitiously named Defendants is responsible in his/her official and/or individual capacity for the occurrences herein alleged, and that Plaintiffs' damages, as herein alleged, were legally caused by their conduct. Plaintiffs have made good faith and diligent efforts to identify said Defendants, including interviewing individuals with knowledge of the claims herein.

16. At all relevant times and in all relevant respects, Defendants have acted under color of State law, and each Defendant is a "person" subject to suit within the meaning of 42 U.S.C. § 1983.

17. On information and belief, each of the Defendants performed, participated in, aided and/or abetted, and/or was deliberately indifferent to the acts averred herein and thereby proximately caused the injuries averred herein.

18. At all times relevant herein, all County officials, employees, and agents were acting pursuant to authority delegated or conferred by Defendant

County and, in doing or failing to do the things complained of herein, were acting within the scope of that authority.

19. At all times relevant herein, Defendants and other MPD officers, employees, and agents were acting pursuant to the official policies and customs of the County, which have been approved, ratified, and/or enforced by the persons and/or entities with final decision-making authority.

20. Defendant County has encouraged, tolerated, ratified, and been deliberately indifferent to a pattern, practice, and custom of threatening arrest and prosecution of those engaged in protected First Amendment activities under such circumstances as presented herein, and to the need for more or different training, supervision, investigation, or discipline in the areas of:

a. The proper exercise of police powers, including improper threats of arrest;

b. The right of individuals to engage in protected First Amendment activities without fear of harassment, detention, arrest and prosecution under such circumstances as presented herein; and

21. Specifically, as evidenced by constitutional violations by two MPD Officers (Defendants Ramos and Polanco) at different times and at different places, Defendant County has a pattern, practice, and/or custom of violating the First

Amendment rights of those who wish to exercise their First Amendment rights on public sidewalks in Maui County.

FACTUAL ALLEGATIONS

22. For the past two years, Pastor Goodhue has been creating and distributing pamphlets that promote his religious views. He and Mrs. Goodhue will often distribute the pamphlets while standing on public property, including sidewalks and streets that are maintained by the County.

23. Pastor and Mrs. Goodhue prefer to distribute their pamphlets in public areas with heavy foot traffic. This provides them with more opportunities to distribute the pamphlets.

24. The most successful distribution point for Pastor and Mrs. Goodhue has been the area adjacent to the War Memorial Complex during the annual Maui Fair.

25. The Maui Fair – an annual event that attracts approximately 90,000 visitors – is held in Wailuku at the War Memorial Complex, a public park that is owned and controlled by the County of Maui. The War Memorial Complex is bordered by Kaahumanu Avenue to the South and Kanaloa Avenue to the East. The Maui Fair is open to the general public, but the Maui Fair charges an admission fee of \$7 for visitors to enter into the fenced area that constitutes the

Maui Fair fairgrounds. The entrance to the Maui Fair fairgrounds is located on Kanaloa Avenue.

26. Kaahumanu Avenue and Kanaloa Avenue are public roadways maintained by the County, and both avenues have public sidewalks that are maintained by the County. The sidewalk on the East side of Kanaloa Avenue is located on a grassy area that is part of the War Memorial Complex, although it is located outside the fence that defines the perimeter of the Maui Fair fairgrounds.

27. In 2013, the Maui Fair was open to the public between October 3, 2013, and October 6, 2013. General public admission to the fenced Maui Fair fairgrounds was by ticket.

28. On October 4, 2013, Pastor and Mrs. Goodhue were distributing religious literature on the sidewalk and grassy area adjacent to Kanaloa Avenue, within the Maui County public park known as the War Memorial Complex. This location is approximately fifty meters from the fenced entrance to the Maui Fair fairgrounds. General public access to this location required neither a ticket nor a fee.

29. At no time relevant to this action did Pastor or Mrs. Goodhue enter the Maui Fair fairgrounds, which presumably would have required the purchase of an admission ticket; instead, they stood on and adjacent to the County sidewalk

outside the Maui Fair fairgrounds and distributed pamphlets to pedestrians as they walked to and from the Maui Fair.

30. At no time relevant to this action did Pastor or Mrs. Goodhue block the sidewalk or the roadway, or cause any impediment whatsoever to pedestrian or vehicular traffic.

31. At no time relevant to this action did Pastor or Mrs. Goodhue create any disturbance or threat to the public peace.

32. At no time relevant to this action were Pastor or Mrs. Goodhue disruptive to the Maui Fair.

33. At all times relevant to this action, Pastor and Mrs. Goodhue distributed their religious pamphlets simply by holding them out for people to take. Pastor and Mrs. Goodhue did not engage the people who passed by, except to say things such as: "Have a good time at the Fair"; "Enjoy the Fair"; or "Have a good day at the Fair."

34. On October 4, 2013, while distributing pamphlets, Pastor and Mrs. Goodhue were approached by the Maui Fair Board President Avery Chumbley and told to leave the area. Mr. Chumbley told Pastor and Mrs. Goodhue that the Maui Fair had a Maui County permit giving it control of the entire area, including the sidewalk and grassy area outside the fenced Maui Fair fairgrounds where Plaintiffs were distributing religious literature.

35. In response to Mr. Chumbley's order that they leave the area, Pastor and Mrs. Goodhue moved to a different location where they continued to distribute their pamphlets. However, this location was less desirable because it had much less foot traffic.

36. On October 5, 2013, Pastor and Mrs. Goodhue returned to the sidewalk and grassy area adjacent to Kanaloa Avenue, on the Maui War Memorial Complex and near the Maui Fair fairgrounds. They distributed their pamphlets in the same manner as the day before, and were again approached by Mr. Chumbley and ordered to leave the area immediately. Mr. Chumbley said that Pastor and Mrs. Goodhue had two choices: leave or be arrested. Mr. Chumbley was very clear that he planned to call the police, and have Pastor and Mrs. Goodhue arrested, if they did not leave.

37. In response, Pastor Goodhue told Mr. Chumbley that they would not leave or cease distributing the pamphlets unless directed to do so by a police officer.

38. Mr. Chumbley spoke to the police, and approximately 15-20 minutes later, Defendant Ramos approached and spoke to Pastor and Mrs. Goodhue.

39. Defendant Ramos told Pastor and Mrs. Goodhue that the Maui Fair had a permit for the entire area – including the public sidewalks, the street, and the park area outside the fenced Maui Fair grounds. Defendant Ramos also stated that

he had assisted in drafting the permit at issue, and the Maui Fair essentially “owned” the sidewalk because of the permit. Defendant Ramos confirmed to Plaintiffs that Plaintiffs were not blocking the sidewalk, were not drawing a crowd, were not impeding ingress or egress of pedestrians from the Fair, and were not threatening anyone with their leafleting. Nevertheless, Defendant Ramos stated that, due to the Maui Fair’s complaint about Plaintiffs’ activities, Pastor and Mrs. Goodhue were ordered to leave immediately.

40. There was no question that this was a direct order from a police officer to leave the area immediately, and Pastor and Mrs. Goodhue understood this order to mean that if they did not leave immediately, they would be physically removed from the premises and/or arrested.

41. Pastor and Mrs. Goodhue and his wife felt nervous, worried, and threatened by Defendant Ramos’s actions. They came to the fair to “do good” – to spread their religious beliefs – and instead were forced to leave a public sidewalk out of fear that they would be arrested otherwise.

42. Before Plaintiffs and Defendant Ramos parted ways, Defendant Ramos instructed Plaintiffs not to distribute pamphlets at the near corner of Kaahumanu Avenue and Kanaloa Avenue. Defendant Ramos indicated that a Maui Police Department officer was stationed at the corner, and that this MPD

Officer would likely instruct Plaintiffs to move if Plaintiffs attempted to distribute leaflets at that location.

43. Due to Defendant Ramos's orders, as aforesaid, Pastor and Mrs. Goodhue left the area and walked to the corner of Kaahumanu Avenue and Kanaloa Avenue – the corner to which Defendant Ramos had referred a moment earlier.

44. At that corner, Pastor and Mrs. Goodhue saw another MPD Officer, referred to in this Complaint as , who appeared to be controlling or monitoring the traffic signal. He appeared to have a device in his hand that was connected to the signal box. Plaintiffs believe that Defendant Polanco was the MPD Officer to whom Defendant Ramos was referring earlier (in ordering Plaintiffs not to distribute pamphlets at this second location).

45. Pastor Goodhue asked Defendant Polanco if the order from Defendant Ramos to leave the vicinity of the Maui Fair and cease distributing the religious pamphlets was legal. Defendant Polanco replied that the order was legal because the Maui Fair had a permit for the area, and because people could consider the distribution of religious literature to be harassment.

46. Defendant Polanco added that Pastor and Mrs. Goodhue also should not hand out pamphlets in front of the MPD police station located across the street from where Pastor Goodhue, his wife, and Defendant Polanco were talking,

because if someone complained, Pastor Goodhue and his wife could again be forced to leave or risk arrest. Consequently, Pastor and Mrs. Goodhue understood that they were now prohibited from distributing pamphlets at three separate locations: on the sidewalk on Kanaloa Avenue; on the sidewalk at the corner of Kaahumanu Avenue and Kanaloa Avenue; and on the sidewalk in front of the MPD police station.

47. As a result of the Officers' actions and threats, Pastor and Mrs. Goodhue immediately ceased their distribution efforts and did not return to distribute his pamphlets during the final day of the Maui Fair. Pastor and Mrs. Goodhue had planned to distribute pamphlets for three additional hours that day, and for nine hours the following day. Instead, Pastor and Mrs. Goodhue were unable to distribute approximately 2,000 of their pamphlets.

48. As evidenced by the fact that two separate MPD officers gave Pastor and Mrs. Goodhue the same information at different times and at different places, Defendants Ramos and Polanco were acting in accordance with official Maui County policy and/or custom when they violated Pastor and Mrs. Goodhue's First Amendment rights by ordering them to stop distributing religious literature or risk arrest, as set forth above.

49. Pastor and Mrs. Goodhue now wish to distribute religious literature at upcoming Maui Friday Town Parties. These events take place on the first four

Fridays of every month: Wailuku on the first Friday, Lahaina on the second, Makawao on the third, and Kihei on the fourth. On information and belief, the organizer(s) of these events has/have obtained permits from Defendant County to hold these events. The events are open to the public, promoted by the Maui County Office of Economic Development, and take place in publically accessible areas that include streets, parks and sidewalks that are maintained by the County of Maui.

50. In addition, Pastor and Mrs. Goodhue wish to distribute religious literature on the Kanaloa Avenue sidewalk during future Maui Fair events.

51. Due to Defendants' statements and actions, Pastor and Mrs. Goodhue fear that they will be arrested if they attempt to distribute religious literature at the Maui Friday Town Parties and at future Maui Fair events.

DECLARATORY AND INJUNCTIVE RELIEF

52. An actual and immediate controversy has arisen and now exists between Plaintiffs and Defendants, which parties have genuine and opposing interests and which interests are direct and substantial. Defendants have failed and continue to fail to comply with the United States Constitution for at least the reasons set forth herein. Plaintiffs are therefore entitled to a declaratory judgment as well as such other and further relief as may follow from the entry of such a declaratory judgment.

53. Specifically, Plaintiffs seek a declaration that the conduct of Defendants Ramos and Polanco was unconstitutional. Plaintiffs also seek a declaration that Defendant County's policy, practice, and/or custom of ejecting law-abiding individuals from public forums is likewise unconstitutional.

54. Plaintiffs have no adequate remedy at law. Unless enjoined by the Court, Defendants will continue to infringe upon Plaintiffs' constitutionally protected rights and will continue to inflict irreparable injury. This threat of injury to Plaintiffs from continuing violations requires preliminary and permanent injunctive relief.

CLAIM FOR RELIEF

**VIOLATION OF THE FIRST AMENDMENT OF THE UNITED STATES
CONSTITUTION, ACTIONABLE PURSUANT TO 42 U.S.C. § 1983**

**(Freedom of Speech, Assembly, and Religious Exercise)
(Plaintiffs Against Defendant County and Against Defendants Ramos and
Polanco in Their Individual Capacities)**

55. Plaintiffs hereby incorporate by reference the allegations contained in paragraphs 1 through 54, above, as if fully set forth herein.

56. The rights of free speech, assembly, and religious exercise are clearly established rights protected by the First Amendment to the United States Constitution.

57. The issuance of a permit does not grant the permittee unfettered discretion to exclude individuals or groups from a public forum located within the

area subject to the permit. *Gathright v. City of Portland, Or.*, 439 F.3d 573, 577 (9th Cir. 2006).

58. The fact that a permit has been issued for use of a particular public space does not, standing alone, provide a legal basis for restricting First Amendment activities in that public space.

59. On information and belief, and based on the aforementioned allegations, Defendant Maui County has and enforces a policy and/or custom of interfering with speech and/or conduct protected by the First Amendment to the United States Constitution by allowing permittees unfettered discretion to exclude private citizens from public forums on any (or no) basis.

60. By preventing Pastor and Mrs. Goodhue from distributing pamphlets in a traditional public forum, Defendants Maui County, Defendant Ramos, and Defendant Polanco have knowingly and unlawfully deprived Pastor and Mrs. Goodhue of the ability to exercise their clearly established First Amendment rights.

61. The actions of Defendants Maui County, Ramos, and Polanco, complained of herein, were directed toward intimidating Pastor and Mrs. Goodhue and chilling the exercise of their protected expressive rights by, among other means, silencing or diluting their message and by deterring their rights to speak, to assemble, and to exercise religion as guaranteed by the First Amendment to the United States Constitution.

62. As a direct and proximate result of the violations of Pastor and Mrs. Goodhue's constitutional rights by Defendants Maui County, Ramos, and Polanco, as set forth herein, Pastor and Mrs. Goodhue have suffered humiliation, embarrassment, inconvenience, mental and emotional distress, litigation expenses and other compensatory damages, in an amount to be determined by the Court.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs pray that this Court:

- A. Assume jurisdiction over this action;
- B. Issue a declaratory judgment stating that Defendants' actions violated Pastor and Mrs. Goodhue's right to distribute religious literature on public sidewalks and in public forums as guaranteed by the First Amendment to the United States Constitution;
- C. Issue a preliminary and permanent injunction enjoining Defendants (and their divisions, officers, servants, employees, attorneys, agents and representatives, successors-in-office and all persons acting or purporting to act in concert or in cooperation with Defendants or pursuant to Defendants' authority) from subjecting Plaintiffs to the customs, policies, practices, rules, regulations, acts and omissions set forth in this Complaint;

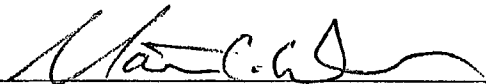
D. Retain jurisdiction over Defendants until such time as the Court is satisfied that Defendants' unlawful customs, policies, practices, rules, regulations, acts and omissions complained of herein no longer exist and will not recur;

E. Award reasonable attorneys' fees, costs and other expenditures incurred as a result of bringing this action, pursuant to 42 U.S.C. § 1988 and other applicable laws;

F. Award actual and nominal damages to Plaintiffs for the violations of clearly established law set forth herein; and

G. Order such other relief as this Court deems just and proper.

DATED: Honolulu, Hawai'i, May 9, 2014.



MARK S. DAVIS
MICHAEL K. LIVINGSTON
MATTHEW C. WINTER

DANIEL M. GLUCK
LOIS K. PERRIN
AMERICAN CIVIL LIBERTIES UNION
OF HAWAII FOUNDATION

Attorneys for Plaintiffs