

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

September 18, 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 August 25, 2015, makes reference to County Communication 13-41, from Council Chair Gladys C. Baisa, relating to litigation matters.

By correspondence dated October 16, 2013, the Department of the Corporation Counsel requested consideration of the possible settlement of Christopher Carroll, et al. v. County of Maui, et al., Civil CV13-00066 LEK KSC. Attached to the request is a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF CHRISTOPHER CARROLL, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. CV13-00066 LEK KSC," and a copy of the complaint. The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case.

Your Committee notes the Council's Policy and Intergovernmental Affairs Committee (2013-2015 Council term) met on October 28, 2013, to consider the matter.

Your Committee notes the complaint alleges Plaintiffs Christopher Carroll and Duke-Patrick Carroll were unlawfully arrested and subjected to excessive force at their residence in Kihei, Maui, Hawaii, by the Department of Police on February 11, 2011.

Your Committee further notes Section 3.16.020(B), Maui County Code, requires Council authorization for any settlement in excess of \$7,500.

By correspondence dated August 6, 2015, the Department of the Corporation Counsel advised your Committee that a judgment had been granted in favor of the County and the individual defendants. The

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COMMITTEE OF THE WHOLE

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Department stated the case is closed and your Committee may, therefore, file the correspondence.

Your Committee voted 9-0 to recommend filing of the correspondence transmitting the proposed resolution to authorize the settlement of the case. Committee Chair Guzman, Vice-Chair Crivello, and members Baisa, Carroll, Cochran, Couch, Hokama, Victorino, and White voted "aye."

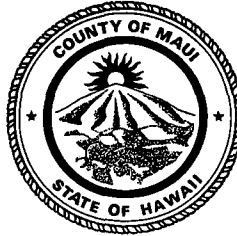
Your Committee of the Whole RECOMMENDS that the correspondence dated October 16, 2013, from the Department of the Corporation Counsel, attached hereto, be FILED.

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



DON S. GUZMAN, Chair

cow:cr:15001(30)aa:cmn



DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
200 SOUTH HIGH STREET, 3RD FLOOR
WAILUKU, MAUI, HAWAII 96793
EMAIL: CORPCOUN@MAUICOUNTY.GOV
TELEPHONE: (808) 270-7740
FACSIMILE: (808) 270-7152

2013 OCT 17 AM 9:33
OFFICE OF THE
COUNTY COUNCIL

RECEIVED

October 16, 2013

MEMO TO: G. Riki Hokama, Chair
Policy and Intergovernmental Affairs Committee

F R O M: Richard B. Rost *RBR*
Deputy Corporation Counsel

SUBJECT: Litigation Matters - Settlement of Claims and Lawsuits
(PIA-1)
Christopher F. Carroll and Duke-Patrick Carroll v.
County of Maui, et al., Civil No. CV13-00066 LEK KSC

Our Department requests the opportunity to discuss potential settlement of this case before the Policy and Intergovernmental Affairs Committee. We would like to have this matter heard at the next meeting as an early settlement conference is set before the federal court on November 20, 2013, and the County has recently received a settlement demand from the Plaintiffs.

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.

Copies of the complaint and the proposed resolution are enclosed. Our department would also like to request that a representative of the Maui Police Department be present at the meeting to answer any questions that may arise.

Thank you for your anticipated assistance.

RBR:ma
Enclosures
cc. Gary Yabuta, Chief of Police

Resolution

No. _____

AUTHORIZING SETTLEMENT OF
CHRISTOPHER CARROLL, ET AL. V. COUNTY OF MAUI, ET AL.,
CIVIL NO. CV13-00066 LEK KSC

WHEREAS, Plaintiffs Christopher Carroll and Duke-Patrick Carroll filed a lawsuit in the United States District Court for the District of Hawaii, Civil No. CV13-00066 LEK KSC, against the County of Maui, claiming they were unlawfully arrested and subjected to excessive force by the Maui Police Department on February 11, 2011; 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 Policy and Intergovernmental Affairs Committee; 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 negotiated settlement or Offer

Resolution No. _____

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 Policy and Intergovernmental Affairs Committee; and

2. That it hereby authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County of Maui 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:



RICHARD B. ROST
Deputy Corporation Counsel
County of Maui

Accepted by MML 5-28-13 3:20pm

ERIC A. SEITZ
ATTORNEY AT LAW
A LAW CORPORATION

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

FEB 08 2013

at 3 o'clock and 40 min P. M.
SUE BEITIA, CLERK

ERIC A. SEITZ 1412
DELLA A. BELATTI 7945
RONALD N.W. KIM 8306
SARAH R. DEVINE 9673
820 Mililani Street, Suite 714
Honolulu, Hawaii 96813
Telephone: (808) 533-7434
Facsimile: (808) 545-3608

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

CHRISTOPHER F. CARROLL and)
DUKE-PATRICK CARROLL,)
)
Plaintiffs,)
)
vs.)
)
COUNTY OF MAUI; DOE OFFICER 1;)
DOE OFFICER 2; JOHN DOES 3-10,)
)
Defendants.)

CIVIL NO.

CV13 00066 LEK KSC

COMPLAINT FOR DAMAGES; DEMAND
FOR JURY TRIAL; SUMMONS

ATTEST: A True Copy
SUE BEITIA
Clerk, United States District
Court, District of Hawaii
By [Signature]
Deputy

COMPLAINT FOR DAMAGES

Plaintiffs CHRISTOPHER F. CARROLL and DUKE-PATRICK
CARROLL (hereinafter "Plaintiffs" collectively), by and through
their undersigned attorneys, allege as follows:

I. Introduction

(1) This is an action to redress the deprivation
under color of statutes, ordinances, rules, regulations,
customs, policies, practices, and/or usages of rights,

privileges, and immunities secured to Plaintiffs by the Fourth, Fifth, and Fourteenth Amendments to the Constitution of the United States, inter alia, and 42 U.S.C. § 1983, et seq., and Article I, Sections 5, 6, 7, and 12 of the Constitution of the State of Hawaii, inter alia.

II. Jurisdiction and Venue

(2) This case arises under the Constitution and statutes of the United States of America and the State of Hawaii, inter alia.

(3) The claims asserted herein present a question of federal law thereby conferring jurisdiction upon the Court pursuant to 28 U.S.C. Sections 1331, 1343(3), 2201 and 2202, and 42 U.S.C. Section 1983, inter alia. Any and all state law claims contained herein from part of the same case or controversy as gives rise to Plaintiffs' federal law claims and therefore fall within the Court's supplemental jurisdiction pursuant to 28 U.S.C. Section 1367.

(4) Venue resides in the United States District Court for the District of Hawaii pursuant to 28 U.S.C. Section 1391(b), inter alia, as all of the events and/or omissions described herein occurred in the State of Hawaii.

III. Parties

(5) Plaintiff CHRISTOPHER F. CARROLL (hereinafter "Mr. Carroll") is and has been a resident of the County of Maui, State of Hawaii, at all times pertinent hereto.

(6) Plaintiff DUKE-PATRICK CARROLL (hereinafter "Duke") is and has been a resident of the County of Maui, State of Hawaii, at all times pertinent hereto.

(7) Defendant COUNTY OF MAUI is and has been a duly organized municipal corporation of the State of Hawaii that has employed the individually named DOE OFFICER 1, DOE OFFICER 2, and JOHN DOES 3-10 at all times pertinent hereto.

(8) Defendant DOE OFFICER 1 (hereinafter "Officer 1") is and has been a resident of the County of Maui, State of Hawaii, and an employee of the Maui Police Department at all times pertinent hereto. Officer 1 is sued herein in both his individual and his official capacities. The true name of Officer 1 is yet unknown to Plaintiffs and their counsel, despite diligent inquiry and investigation, and will be substituted as his name becomes known.

(9) Defendant DOE OFFICER 2 (hereinafter "Officer 2") is and has been a resident of the County of Maui, State of Hawaii, and an employee of the Maui Police Department at all times pertinent hereto. Officer 2 is sued herein in both his individual and his official capacities. The true name of

Officer 2 is yet unknown to Plaintiffs and their counsel, despite diligent inquiry and investigation, and will be substituted as his name becomes known.

(10) Defendants JOHN DOES 3-10 (hereinafter "Doe Defendants") are individuals whose true identities and capacities are as yet unknown to Plaintiffs and their counsel, despite diligent inquiry and investigation, and who acted herein as described more particularly below in connection with the breaches of duties and/or violations of law alleged herein and who in some manner or form not currently discovered or known to Plaintiffs may have contributed to or be responsible for the injuries alleged herein. The true names and capacities of the Doe Defendants will be substituted as they become known.

IV. Factual Allegations

(11) On or about February 11, 2011, approximately five Maui Police Department vehicles with Officer 1, Officer 2, and Doe Defendants arrived at the residence of Plaintiffs in Kihei, Maui.

(12) Mr. Carroll and his 16-year old son, Duke, were in their home at the time of the arrival of Officer 1, Officer 2, and Doe Defendants.

(13) Shirtless and shoeless, Mr. Carroll answered the knock on his front door.

(14) As Mr. Carroll responded to the knock he observed several Doe Defendants walking through his driveway and up his outdoor staircase.

(15) Upon responding to the knock on his front door, Mr. Carroll opened the door, stepped through the door and on to the outdoor landing, and greeted Officer 1.

(16) Officer 1 stood on the outdoor landing of Mr. Carroll's front door with a sheaf of papers in one hand.

(17) As Mr. Carroll stood in front of Officer 1, two other Doe Defendants took up positions behind Mr. Carroll on the small landing.

(18) Officer 1 then proceeded to inform Mr. Carroll that he had a restraining order to serve on Mr. Carroll and demanded that Mr. Carroll first give him Mr. Carroll's rifle.

(19) Officer 1 then placed the sheaf of papers face-down on a small table on the landing.

(20) Mr. Carroll responded to Officer 1's demand for his rifle by stating that he was the registered owner of a shotgun located in the garage but that he had the right to place the weapon with a friend or neighbor.

(21) As Mr. Carroll waited for Officer 1's response to his statement about his shotgun, Mr. Carroll observed Officer 2 walking up the steps towards the small landing and the group that was already gathered on the small landing area.

(22) Recognizing Officer 2 from a previous encounter involving the removal of Mr. Carroll's wife from their home, Mr. Carroll proceeded to make remarks to the effect that if an officer is going to enforce the law, the officer should know the law first.

(23) Without warning and without any provocation from Mr. Carroll, Mr. Carroll was forcefully grabbed by Doe Defendants who were surrounding him on his landing.

(24) Mr. Carroll was shoved back against the open door and was grabbed, pushed, and shoved from all sides by Officer 1, Officer 2, and/or Doe Defendants until he fell through his open front door and on to the tile floor on the inside landing.

(25) At no time while he was being grabbed, pushed, and shoved did Mr. Carroll offer any resistance to the actions of Officer 1, Officer 2, and Doe Defendants.

(26) As Mr. Carroll fell to the tile floor he struck his head on the wall and ultimately landed in a fetal position on his back.

(27) From his fetal position on the floor, Mr. Carroll observed three Doe Defendants rush into the inside landing and one Doe Defendant proceed to reach down for him with gloved hands.

(28) None of these officers made any demands or gave any reasons for Doe Defendants' attack and aggressive conduct towards Mr. Carroll.

(29) Mr. Carroll managed to regain a standing position and, because none of the Doe Defendants provided any explanations or instructions, Mr. Carroll began backing up his inner steps with his hands on the staircase railing.

(30) At this point, Officer 2 entered through Mr. Carroll's front door, walked towards the base of the inner steps, and proceeded to shoot Mr. Carroll in his chest with a Taser without warning.

(31) The initial Taser pulse caused Mr. Carroll to stiffen up and fall to his back on the tile steps.

(32) As Mr. Carroll lay on his back, Officer 2 continued to pulse the Taser into Mr. Carroll.

(33) When Officer 2 paused the use of his Taser, Mr. Carroll was able to shakily stand up and take one step backwards.

(34) Officer 2 then proceeded to pulse his Taser weapon several more times causing Mr. Carroll to again fall to his back on the tile steps.

(35) Hearing the commotion, Mr. Carroll's son Duke ran to the staircase from his bedroom and attempted to assist Mr. Carroll.

(36) Duke cried out, "What are you doing to my dad? He's almost 70 years old! Back off! You're going to kill him."

(37) As Duke approached Mr. Carroll, Officer 1 pushed Duke with a fist into Duke's chest and stated "We are arresting your dad for assault on a police officer. Unless you want to join him, stay back."

(38) At this point, Doe Defendant, weighing over 200 pounds, flung himself on top of Mr. Carroll, aggressively kned and elbowed Mr. Carroll's head, face, arms, and neck into the staircase.

(39) After Doe Defendant stopped this beating, Mr. Carroll again tried to get up and back away. Mr. Carroll felt another pulse from Officer 2's Taser and was again flung down to the steps in screaming and convulsing pain.

(40) Doe Defendant then proceeded to continue to beat Mr. Carroll by slamming his knees and elbows into Mr. Carroll's body on the steps.

(41) After this beating, Mr. Carroll was finally given specific orders to get on his stomach, face-down on the tile landing.

(42) Mr. Carroll was handcuffed by Doe Defendants and walked to a police vehicle with the hooks and wires of the Taser still embedded in his chest.

(43) While Doe Defendants were securing Mr. Carroll, Duke continued to demand an explanation for Officer 1, Officer 2, and Doe Defendants' treatment of Mr. Carroll.

(44) Because of these demands for an explanation, Duke was grabbed by Doe Defendants, slammed into the hood and windshield of a police vehicle, handcuffed, and placed into the back of a police vehicle.

(45) Mr. Carroll was arrested and charged with the crimes of Assault on a Police Officer and Disorderly Conduct.

(46) Duke was arrested and charged with the crime of Disorderly Conduct.

(47) While being processed as part of his arrest, Mr. Carroll was finally served the ex parte restraining order at the booking area of the Maui Police Department headquarters that apparently precipitated the visit by Officer 1, Officer 2, and Doe Defendants at Mr. Carroll's residence.

(48) Plaintiffs were never formally arraigned for the alleged crimes for which they were arrested on February 11, 2011.

(49) Plaintiffs are informed and believe, and thereupon allege, that the actions of DOE OFFICER 1, DOE OFFICER 2, and JOHN DOES 3-10 were without reasonable, just, and/or probable cause.

(50) As a direct and proximate result of the foregoing Plaintiffs suffered painful and serious injuries in amounts to be proven at trial.

(51) As a direct and proximate result of the foregoing Plaintiffs suffered the loss of their freedom, deprivation of their liberties, and other consequential damages in amounts to be proven at trial.

(52) As a direct and proximate result of the foregoing Plaintiffs suffered great mental anguish, severe emotional distress, anxiety, embarrassment, humiliation, worry and anger.

V. First Cause of Action
(Constitutional and/or 42 U.S.C. Section 1983 Violations)

(53) Plaintiffs hereby incorporate all of the allegations contained in Paragraphs 1 through 52, above.

(54) Plaintiffs are informed and believe, and thereupon allege, that Defendants DOE OFFICER 1, DOE OFFICER 2, and JOHN DOES 3-10 acted and/or purported to act herein under color of statutes, ordinances, rules, regulations, customs, policies, practices, and/or usages of County of Maui, State of Hawaii, and/or the Maui Police Department at all times pertinent hereto.

(55) Plaintiffs are informed and believe, and thereupon allege, that Plaintiff CHRISTOPHER F. CARROLL was assaulted, improperly detained, shot with a Taser multiple

times, arrested, and suffered the loss of his liberty without any probable, sufficient, just or reasonable cause in violation of rights guaranteed to him by the Fourth Amendment to the United States Constitution and Article I of the Constitution of the State of Hawaii, inter alia.

(56) Plaintiffs are informed and believe, and thereupon allege, that Plaintiff DUKE-PATRICK CARROLL was assaulted, improperly detained, arrested, and suffered the loss of his liberty without any probable, sufficient, just or reasonable cause in violation of rights guaranteed to him by the Fourth Amendment to the United States Constitution and Article I of the Constitution of the State of Hawaii, inter alia.

VI. Second Cause of Action
(Assault and Battery)

(57) Plaintiffs hereby incorporate by reference all of the allegations above contained in paragraphs 1 through 52 above.

(58) Defendants DOE OFFICER 1, DOE OFFICER 2, and certain other JOHN DOES 3-10 acted herein outside the scope of their employment as police officers with the Maui Police Department.

(59) Defendants DOE OFFICER 1, DOE OFFICER 2, and certain other JOHN DOES 3-10 intentionally, willfully, knowingly, maliciously, or recklessly assaulted and attacked

Plaintiff CHRISTOPHER F. CARROLL without provocation and/or lawful justification.

(60) Defendants DOE OFFICER 1, DOE OFFICER 2, and certain other JOHN DOES 3-10 intentionally, willfully, knowingly, maliciously, and/or recklessly assaulted and attacked Plaintiff DUKE-PATRICK CARROLL without provocation and/or lawful justification.

VII. Third Cause of Action
(False Imprisonment and/or False Arrest)

(61) Plaintiffs hereby incorporate by reference all of the allegations above contained in paragraphs 1 through 52 and 58 above.

(62) Defendants DOE OFFICER 1, DOE OFFICER 2, and certain other JOHN DOES 3-10 detained and/or restrained Plaintiffs CHRISTOPHER F. CARROLL and DUKE-PATRICK CARROLL against their wills.

(63) Defendants DOE OFFICER 1, DOE OFFICER 2, and certain other JOHN DOES 3-10's detention and/or restraint of Plaintiffs against their will was unlawful.

(64) Defendants DOE OFFICER 1, DOE OFFICER 2, and certain other JOHN DOES 3-10 arrested Plaintiffs without sufficient justification or probable cause.

VIII. Fourth Cause of Action
(Intentional Infliction of Emotional Distress)

(65) Plaintiffs hereby incorporate all of the allegations contained in Paragraphs 1 through 52, 58 through 60, and 62 through 64 above.

(66) Plaintiffs are informed and believe, and thereupon allege, that Defendants DOE OFFICER 1, DOE OFFICER 2, and certain JOHN DOES 3-10 maliciously, knowingly, intentionally, recklessly, willfully, deliberately, and without regard for the rights, interests, and well-being of Plaintiffs, proximately caused Plaintiffs to suffer severe emotional distress.

IX. Fifth Cause of Action
(Negligence Claims)

(67) Plaintiffs hereby incorporate all of the allegations contained in Paragraphs 1 through 52 above.

(68) Plaintiffs are informed and believe, and thereupon allege, that Defendants DOE OFFICER 1, DOE OFFICER 2, and JOHN DOES 3-10 negligently caused Plaintiffs to suffer physical injuries, pain, mental anguish, severe emotional distress, anxiety, embarrassment, humiliation, worry, and amnger in amounts to be proven at trial.

X. Sixth Cause of Action
(Negligent Training, Supervision, and/or Discipline)

(69) Plaintiffs hereby incorporate all of the allegations contained in Paragraphs 1 through 52 and 68 above.

(70) Defendants DOE OFFICER 1, DOE OFFICER 2 and certain of the JOHN DOES 3-10's actions herein were outside the scope of their employment as police officers with the Maui Police Department.

(71) Defendant COUNTY OF MAUI owed duties to Plaintiffs to exercise the requisite standard of care and skill ordinarily exercised by similar institutions and agencies in the State of Hawaii in training, supervising, and disciplining its employees, and to take reasonable care to control such employees to prevent them from committing acts that injure third parties.

(72) Defendant COUNTY OF MAUI knew or had reason to know that they were responsible for the training, supervising, and disciplining of Defendants DOE OFFICER 1, DOE OFFICER 2, and JOHN DOES 3-10.

(73) By failing to properly train, supervise, and/or discipline Defendants DOE OFFICER 1, DOE OFFICER 2, and JOHN DOES 3-10, Defendant COUNTY OF MAUI breached its duties of reasonable care owed to Plaintiffs thereby proximately and directly causing the injuries to Plaintiffs complained of herein.

XI. Seventh Cause of Action
(Negligence against Superior/Agency)

(74) Plaintiffs hereby incorporate all of the allegations contained in Paragraphs 1 through 52 and 68 above.

(75) Defendants DOE OFFICER 1, DOE OFFICER 2, and JOHN DOES 3-10's actions herein were committed negligently within the scope of their employment by Defendant COUNTY OF MAUI as Maui police officers.

WHEREFORE Plaintiffs pray for relief as follows:

(1) For general damages in amounts to be proven at trial;

(2) For special damages in amounts to be proven at trial;

(3) For punitive damages against DOE OFFICER 1, DOE OFFICER 2, and certain JOHN DOES 3-10;

(4) For reimbursement of Plaintiffs' costs and expenses herein, including reasonable provision of their attorneys' fees; and

(5) For such further and additional relief as the Court deems appropriate and just.

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DATED: Honolulu, Hawaii, FEB 08 2013.



ERIC A. SEITZ
DELLA A. BELATTI
RONALD N.W. KIM
SARAH R. DEVINE

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT


FOR THE DISTRICT OF HAWAII

CHRISTOPHER F. CARROLL and) CIVIL NO. _____
DUKE-PATRICK CARROLL,)
)
Plaintiffs,) DEMAND FOR JURY TRIAL
)
vs.)
)
COUNTY OF MAUI; DOE OFFICER 1;))
DOE OFFICER 2; JOHN DOES 3-10,))
)
Defendants.)
_____)

DEMAND FOR JURY TRIAL

Plaintiffs CHRISTOPHER F. CARROLL and DUKE-PATRICK CARROLL, by and through their undersigned attorneys, hereby demand a trial by jury as to all issues so triable herein.

DATED: Honolulu, Hawaii, FEB 08 2013.



ERIC A. SEITZ
DELLA A. BELATTI
RONALD N.W. KIM
SARAH R. DEVINE

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

CHRISTOPHER F. CARROLL and) CIVIL NO. _____
DUKE-PATRICK CARROLL,)
)
Plaintiffs,) SUMMONS
)
vs.)
)
COUNTY OF MAUI; DOE OFFICER 1;))
DOE OFFICER 2; JOHN DOES 3-10,))
)
Defendants.)
_____)

SUMMONS

TO: THE ABOVE-NAMED DEFENDANTS

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon Plaintiffs' attorney, Eric A. Seitz, 820 Mililani Street, Suite 714, Honolulu, Hawaii, 96813, an answer to Plaintiffs' Complaint for Damages which is herewith served upon you, within 21 days after services of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in Plaintiffs' Complaint for Damages.

Personal delivery of this Summons is prohibited between 10:00 p.m. and 6:00 a.m. on premises not open to the general public unless a Judge of the United States District Court permits, in writing on this summons, personal delivery during these hours.

A failure to obey this Summons may result in an entry of default and default judgment against the disobeying person or party.

DATED: Honolulu, Hawaii, FEB 08 2013.

SUE BEITIA
Clerk

/s/Anna F. Chang
By Deputy Clerk

