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CITY AND COUNTY OF HONOLULU

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

KIRK C. FISHER,	)	CIVIL NO. CV11 00589BMK
)	
Plaintiff,	)	DEFENDANT CITY AND COUNTY
	)	OF HONOLULU'S AMENDED
vs.	)	MOTION FOR PARTIAL DISMISSAL
	)	OF COMPLAINT FILED
LOUIS KEALOHA, as an individual	)	SEPTEMBER 28, 2011;
and in his official capacity as Honolulu	)	MEMORANDUM IN SUPPORT OF
Chief of Police; PAUL PUTZULU, as	)	MOTION; CERTIFICATE OF
an individual and in his official capacity	)	SERVICE
as former Honolulu Acting Chief of)	
Police; CITY AND COUNTY OF	)	<u>Hearing:</u>
HONOLULU; HONOLULU POLICE)	
DEPARTMENT and DOE	)	Date: April 9, 2012
DEFENDANTS 1-50,	)	Time: 10:00 a.m.
	)	Judge: Honorable Alan C. Kay
Defendants.)	
_____	)	Trial Date: None

DEFENDANT CITY AND COUNTY OF HONOLULU'S
AMENDED MOTION FOR PARTIAL DISMISSAL
OF COMPLAINT FILED SEPTEMBER 28, 2011

Comes now Defendant CITY AND COUNTY OF HONOLULU (hereinafter "City") and moves, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (FRCP) for dismissal of Plaintiff's Complaint, filed on May 18, 2010, with regard to Counts I and II on the ground that these causes of action fail to state a claim upon which relief can be granted.

This motion is based upon Rules 7, 8(a)(2) and 12 of the Federal Rules of Civil Procedure, and is supported by the attached Memorandum in Support of Motion, and the record and files herein, as well as such other oral and/or written evidence as may be offered at the hearing of this matter.

DATED: Honolulu, Hawai'i, Wednesday, January 4, 2012.

ROBERT CARSON GODBEY
Corporation Counsel

By: /s/ D. Scott Dodd
D. SCOTT DODD
Deputy Corporation Counsel

Attorney for Defendant
CITY AND COUNTY OF HONOLULU

10-06858/207434