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Attorneys for City Defendants  
LOUIS M. KEALOHA and the 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,	)	
	)	DEFENDANTS LOUIS M.
vs.	)	KEALOHA AND THE CITY AND
	)	COUNTY OF HONOLULU'S
LOUIS KEALOHA, as an individual	)	SCHEDULING CONFERENCE
and in his official capacity as Honolulu	)	STATEMENT; CERTIFICATE OF
Chief of Police; PAUL PUTZULU, as	)	SERVICE
an individual and in his official capacity)	)	
as former Honolulu Acting Chief of	)	
Police; CITY AND COUNTY OF	)	
HONOLULU; HONOLULU POLICE	)	
DEPARTMENT and DOE	)	
DEFENDANTS 1-50,	)	
	)	
Defendants.	)	Trial Date: None
_____	)	

DEFENDANTS LOUIS M. KEALOHA AND THE CITY AND COUNTY  
OF HONOLULU'S SCHEDULING CONFERENCE STATEMENT

Defendants LOUIS M. KEALOHA (“Kealoha”) and the CITY AND COUNTY OF HONOLULU (“City”) (hereinafter collectively known as “City Defendants”), by and through their counsel, Robert Carson Godbey, Corporation Counsel, and D. Scott Dodd, Deputy Corporation Counsel, hereby submits their Scheduling Conference Statement pursuant to Local Rule 16.2 of the Rules of the United States District Court for the District of Hawai‘i:

I. Nature of Case

This claim arises out of an alleged deprivation of Plaintiff Kirk C. Fisher’s (“Plaintiff”) civil rights due to the denial of Plaintiff’s application for a permit to acquire, and further order to surrender, firearms. Plaintiff seeks damages, attorney’s fees and costs.

As of the filing of this statement, none of the Defendants have answered Plaintiff’s Complaint. On December 9, 2011 the City filed a motion for partial dismissal of Plaintiff’s Complaint. A hearing has been set on the City’s motion for April 9, 2012. On January 4, 2012, the City filed an amended motion for partial dismissal of Plaintiff’s Complaint.

Approval for legal counsel for Defendant Louis Kealoha was sent by HPC on December 21, 2011. Louis Kealoha was served on November 21, 2011 and

requested legal counsel on November 22, 2011. This office is in the process of preparing a responsive pleading on his behalf and will be filing that promptly.

Further, former Acting Chief Paul Putzulu has not requested representation through the Department of the Corporation Counsel and the undersigned counsel does not have the authority to represent him. After service with a complaint, former HPD officers must request representation be provided by the City and they must be approved for representation by the Honolulu Police Commission. As it appears that Plaintiff may not have yet served former Acting Chief Paul Putzulu with a copy of his Complaint, undersigned counsel cannot speak for him at the Scheduling Conference.

II. Jurisdiction and Venue

The City Defendants do not contest jurisdiction. If the individual HPD defendant is not served within the time allowed for the filing of the complaint, he may likely contest jurisdiction. The City Defendants do not contest venue.

III. Jury Demand

The City Defendants will demand a trial by jury.

IV. Extent and Timing of Disclosures

The City Defendants respectfully request that initial disclosures be made within a reasonable time after all defendants have appeared in this action.

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V. Discovery

No discovery has been undertaken or exchanged. As Plaintiff's claims involve alleged constitutional violations under §1983, the City Defendants request that discovery be stayed pending resolution of the qualified immunity issue pursuant to Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982). In the alternative, the City Defendants request that discovery commences after all defendants have appeared in this action.

VI. Appropriateness of Special Procedures

The City Defendants do not object to disclosure and an exchange of information at a time set by the Court. The City Defendants intends to seek medical, psychiatric, earnings, personnel, and employment records of Plaintiff, and to serve requests for answers to interrogatories, requests for production of documents, and requests for admissions to the Plaintiff. In addition, the City Defendants intend to depose all witnesses listed by the Plaintiff, as well as conduct such further discovery, which may be deemed appropriate therewith.

VII. Related Cases

The City Defendants are not aware of any.

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VIII. Meeting of Parties

It is anticipated that once all parties to the action have been served and appeared, counsel for the parties will meet and a report to the Court shall be submitted.

IX. Additional Matters

None.

DATED: Honolulu, Hawai'i, Friday, January 5, 2012.

ROBERT CARSON GODBEY  
Corporation Counsel

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

Attorney for City Defendants  
LOUIS M. KEALOHA and the  
CITY AND COUNTY OF HONOLULU

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