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IN THE UNITED STATES DISTRICT COURT	
FOR THE DISTRICT OF HAWAII	INDEX
KIRK C. FISHER, CIVIL NO.CV11 00589 ACK-BMK	EXAMINATION BT.
Plaintiff,)	Wir. Doud 4
)	4 Mr. Wilkerson 50
vs.)	5
LOUIS KEALOHA, as an)	6
individual and in his)	7
official capacity as)	8
Honolulu Chief of Police;)	9 -000-
PAUL PUTZULU, as an)	10
individual and in his)	11
official capacity as former) Honolulu Acting Chief of)	
Police; CITY AND COUNTY OF)	12
HONOLULU; HONOLULU POLICE)	13
DEPARTMENT and DOE)	14 INDEX OF EXHIBITS
DEFENDANTS 1-50,)	15 PAGE
Defendants.)	Exhibit 1 Terms and Conditions of Probation 42
)	Exhibit 2 Acknowledgment of Receipt of 43
	conditions of Probation/DAGP/DANCP
DEPOSITION OF KIRK C. FISHER	Supervision
	19
	20
Taken on behalf of the Defendant City and County	21
of Honolulu, at the office of City and County of	22
Honolulu, Honolulu Hale, Room 110, 530 South King Street, Honolulu, Hawaii, commencing at 9:00 a.m., on April 17,	23
2013, pursuant to Notice.	24
, p	
BEFORE: LEIGH ANNE MEEKS, RPR, CSR NO. 483	-000-
Page 2	Page 4
1 ADDE AD ANCES	1 (Disalarum Annilahla fan Counsal)
APPEARANCES For Plaintiff in Civil No. CV11 00589 ACK-BMK:	(Disclosure Available for Counsel.)
DONALD L, WILKERSON	" AIRA C. FISHER,
3 Law Offices of Donald L. Wilkerson	having been first duly sworn,
Bishop Square, Pauahi Tower, Suite 1320	4 testified upon his oath as follows:
4 1003 Bishop Street	5 EXAMINATION
Honolulu, Hawaii 96813	6 BY MR. DODD:
5	⁷ Q. Can you state your full name for the record?
For the Defect of Other Advances (III. and the	
For the Defendant City and County of Honolulu:	A. Kirk Cogswell Fisher.
D. SCOTT DODD	⁹ Q. Okay. Mr. Fisher, my name is Scott Dodd, and I
Deputy Corporation Counsel Begartment of the Corporation Counsel	represent the City defendants in this matter. I'll be
City and County of Honolulu	using the word incident or occurrence to describe the
9 Honolulu Hale, Room 110	facts relating to your allegations and claims in this
530 South King Street	lawsuit. Is that okay?
Honolulu, Hawaii 96813	14 A. Uh-huh.
11	
12	Q. Okay. One thing I ask is that you answer an
13	questions with verbally with a yes or a no because
14	uh-huh's or huh-uh's or shakes of the head don't appear
16	on the record.
17	¹⁹ A. Yes.
18	
19	Q. Okay. Halik you.
20	Tod are familiar with the occurrence of
21	incident in this lawsuit. Correct?
22	²³ A. Yes.
23	Q. Okay. Have you had an opportunity to speak
24	with your attorney before today to get ready for the
-000-	Thing our another society to got roung for the
	Γ

	Page 45	Page 47
1	Looking back at Exhibit 1, on the second	¹ A. Oh, yeah.
2	page, do you see a either an X or a check mark on the	 Q. Okay. Below looking back at Exhibit 1, just
3	upper left side of the page?	below that first X, do you see a check mark on the left
4	A. Yes.	side of the page?
5	Q. Okay. Could you read what is just is right	⁵ A, Yes.
6	next to that?	⁶ Q. Could you read the writing that is just next to
7	A. The first X?	7 that check mark?
8	Q. The first X.	 A. "You should complete a parental" "parenting
9	A. "You shall complete a domestic violence	9 class at your expense as decorated by your probationary
10	counseling at your expense as decorated by your	10 officer."
11	probationary officer."	Q. Okay. Again, I think it's "directed."
12	Q. I think it's "directed," but thank you for	A. Directed. Sorry I keep pronouncing it that
13	that.	¹³ way.
14	Do you remember being required to complete	¹⁴ Q. No problem.
15	domestic violence counseling as a condition of your	So is it your understanding that you were
16	probation?	required to complete parenting classes as a condition of
17	A. Yes.	¹⁷ your probation?
18	Q. Okay. Do you have an understanding of why you	¹⁸ A. Yes.
19	were required to complete domestic violence counseling as	¹⁹ Q. And did you have an understanding of why you
20	part of your probation?	were required to complete the parenting classes?
21	A. Yes.	²¹ A. Yes.
22	Q. Okay. What is that understanding?	²² Q. And what was that understanding?
23	A. It was part of the judgment handed down by the	A. It was a judgment handed down by the courts.
24	courts.	Q. Okay. And do you remember what those parenting
25	Q. What did the domestic violence counseling	²⁵ classes entailed?
	Page 46	Page 48
1	Page 46	Page 48 They're very similar to the other class and
1 2	entail?	¹ A. They're very similar to the other class and
	entail? A. It was more or less an anger management.	A. They're very similar to the other class and there was a certain amount of hours that went with that.
2	entail? A. It was more or less an anger management. Q. Were they classes?	A. They're very similar to the other class and there was a certain amount of hours that went with that. Q. Did you were you able to take the classes at
2 3	entail? A. It was more or less an anger management. Q. Were they classes? A. Yes.	A. They're very similar to the other class and there was a certain amount of hours that went with that. Q. Did you were you able to take the classes at
2 3 4	entail? A. It was more or less an anger management. Q. Were they classes? A. Yes. Q. Was there	A. They're very similar to the other class and there was a certain amount of hours that went with that. Q. Did you were you able to take the classes at the same time, the domestic violence and the parenting classes?
2 3 4 5	entail? A. It was more or less an anger management. Q. Were they classes? A. Yes. Q. Was there A. A certain amount of hours, I believe, that went	A. They're very similar to the other class and there was a certain amount of hours that went with that. Q. Did you were you able to take the classes at the same time, the domestic violence and the parenting classes? A. No. They were separate, I believe.
2 3 4 5	entail? A. It was more or less an anger management. Q. Were they classes? A. Yes. Q. Was there A. A certain amount of hours, I believe, that went on with it.	A. They're very similar to the other class and there was a certain amount of hours that went with that. Q. Did you were you able to take the classes at the same time, the domestic violence and the parenting classes? A. No. They were separate, I believe. Q. Okay. So it was like a different instructor?
2 3 4 5 6 7	entail? A. It was more or less an anger management. Q. Were they classes? A. Yes. Q. Was there A. A certain amount of hours, I believe, that went	A. They're very similar to the other class and there was a certain amount of hours that went with that. Q. Did you were you able to take the classes at the same time, the domestic violence and the parenting classes? A. No. They were separate, I believe. Q. Okay. So it was like a different instructor? A. Yes.
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2 3 4 5 6 7 8 9	entail? A. It was more or less an anger management. Q. Were they classes? A. Yes. Q. Was there A. A certain amount of hours, I believe, that went on with it. Q. Do you remember how many hours? A. No. Q. Was it one session?	A. They're very similar to the other class and there was a certain amount of hours that went with that. Q. Did you were you able to take the classes at the same time, the domestic violence and the parenting classes? A. No. They were separate, I believe. Q. Okay. So it was like a different instructor? A. Yes. Q. Okay. Okay. A. Yes, indeed.
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2 3 4 5 6 7 8 9 10 11 12 13 14	entail? A. It was more or less an anger management. Q. Were they classes? A. Yes. Q. Was there A. A certain amount of hours, I believe, that went on with it. Q. Do you remember how many hours? A. No. Q. Was it one session? A. No. Q. Was it A. It was several. I think, if I recall, a few weeks. Q. Was it something or the type of thing where	A. They're very similar to the other class and there was a certain amount of hours that went with that. Q. Did you were you able to take the classes at the same time, the domestic violence and the parenting classes? A. No. They were separate, I believe. Q. Okay. So it was like a different instructor? A. Yes. Q. Okay. Okay. A. Yes, indeed. Q. Did you successfully complete the parenting classes? A. Yes. Q. And do you see another X below that line? A. Yes.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	entail? A. It was more or less an anger management. Q. Were they classes? A. Yes. Q. Was there A. A certain amount of hours, I believe, that went on with it. Q. Do you remember how many hours? A. No. Q. Was it one session? A. No. Q. Was it A. It was several. I think, if I recall, a few weeks. Q. Was it something or the type of thing where you went several times a week in the evening? A. Yes. Q. Okay. And there was a number of hours that you had to take? A. Yes.	1 A. They're very similar to the other class and 2 there was a certain amount of hours that went with that. 3 Q. Did you were you able to take the classes at 4 the same time, the domestic violence and the parenting 5 classes? 6 A. No. They were separate, I believe. 7 Q. Okay. So it was like a different instructor? 8 A. Yes. 9 Q. Okay. 10 A. Yes, indeed. 11 Q. Did you successfully complete the parenting 12 classes? 13 A. Yes. 14 Q. And do you see another X below that line? 15 A. Yes. 16 Q. Okay. Could you read that for us, please? 17 A. "You shall undergo a substance abuse assignment 18 and immediately undergo and complete any recommended
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	entail? A. It was more or less an anger management. Q. Were they classes? A. Yes. Q. Was there A. A certain amount of hours, I believe, that went on with it. Q. Do you remember how many hours? A. No. Q. Was it one session? A. No. Q. Was it A. It was several. I think, if I recall, a few weeks. Q. Was it something or the type of thing where you went several times a week in the evening? A. Yes. Q. Okay. And there was a number of hours that you had to take? A. Yes. Q. Okay. Did you successfully complete the domestic violence counseling? A. Yes.	1 A. They're very similar to the other class and 2 there was a certain amount of hours that went with that. 3 Q. Did you were you able to take the classes at 4 the same time, the domestic violence and the parenting 5 classes? 6 A. No. They were separate, I believe. 7 Q. Okay. So it was like a different instructor? 8 A. Yes. 9 Q. Okay. 10 A. Yes, indeed. 11 Q. Did you successfully complete the parenting 12 classes? 13 A. Yes. 14 Q. And do you see another X below that line? 15 A. Yes. 16 Q. Okay. Could you read that for us, please? 17 A. You shall undergo a substance abuse assignment 18 and immediately undergo and complete any recommended 19 treatment, whether residential or" what is that? 20 Q. "Outpatient." 21 A "outpatient, all at your own expense and as directed by your probationary officer." 22 Q. Okay. So was it your understanding that you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	entail? A. It was more or less an anger management. Q. Were they classes? A. Yes. Q. Was there A. A certain amount of hours, I believe, that went on with it. Q. Do you remember how many hours? A. No. Q. Was it one session? A. No. Q. Was it A. It was several. I think, if I recall, a few weeks. Q. Was it something or the type of thing where you went several times a week in the evening? A. Yes. Q. Okay. And there was a number of hours that you had to take? A. Yes. Q. Okay. Did you successfully complete the domestic violence counseling?	1 A. They're very similar to the other class and 2 there was a certain amount of hours that went with that. 3 Q. Did you were you able to take the classes at 4 the same time, the domestic violence and the parenting 5 classes? 6 A. No. They were separate, I believe. 7 Q. Okay. So it was like a different instructor? 8 A. Yes. 9 Q. Okay. 10 A. Yes, indeed. 11 Q. Did you successfully complete the parenting 12 classes? 13 A. Yes. 14 Q. And do you see another X below that line? 15 A. Yes. 16 Q. Okay. Could you read that for us, please? 17 A. "You shall undergo a substance abuse assignment 18 and immediately undergo and complete any recommended 19 treatment, whether residential or" what is that? 20 Q. "Outpatient." 21 A "outpatient, all at your own expense and as 22 directed by your probationary officer."

	Page 49	Page 51
1 .	A. Yes.	questioning about the substance abuse assessment, now,
2		you've never been diagnosed as being an alcoholic.
3	Q. Okay. Did you undergo a substance abuse assessment?	you've never been diagnosed as being an alcoholic. 3 Correct?
4	A. Yes.	4 A. That is correct.
5	Q. What was that? What was that assessment? How	5 Q. And when just for clarification, this order,
6	did that work?	6 State's Exhibit Number 1 here, is refers to a
7	A. That was interesting. That went really well.	substance abuse assessment and undergo and complete
8	Q. How did they conduct that? Like, how did they	8 treatment if recommended.
9	do that?	⁹ A. There was no recommendation of me going through
10	A. It was a classroom.	another treatment.
11	Q. Did you take a test or something?	Q. Okay. So did you just go through an assessment
12	A. I don't recall.	or were you assessed and told that you needed to get
13	Q. Did they have a counselor there talk to you?	treatment after that?
14	A. Yes. And it was also a certain time period	A. Was never told that I had to get treatment
15	like the other classes.	15 after that.
16	O. So there were classes?	Q. So would it be fair to say that you just got
17	A. Yeah.	the substance abuse assessment and the assessment
18	Q. Okay. Do you remember what the assessment	concluded that you did not need treatment?
19	like, what the conclusion was?	¹⁹ A. Yes.
20	A. I passed the course.	²⁰ MR. WILKERSON: Nothing further.
21	Q. Okay. So you did you were you required	MR. DODD: No further questions.
22	to take substance abuse counseling?	You're going to have an opportunity to sign
23	A. Yeah, I believe that was part of the criteria	your transcript. I assume that the transcript will be
24	here. All of this was counseling.	given to your attorney who will then make it available
25	Q. Okay. And you remember taking some classes for	for you to review and sign. Do you wish to retain the
		, , ,
	Page 50	Page 52
1	the substance abuse counseling?	right to review and sign your transcript?
2	A. Yes.	² MR, WILKERSON: Yeah.
3	Q. Do you remember how many?	³ MR. DODD: Okay.
4	A. But it like I said, it was, you know,	4 THE WITNESS: Yes.
5	several weeks.	MR. DODD: Fair enough. Thank you very
6	Q. Were they all about the same amount of hours,	⁶ much for your time, sir.
7	each of the three?	⁷ (Deposition concluded at 10:32 a.m.)
В	A. I believe so, yes.	8
9	Q. So they all completed around the same time?	9
10	A. Yes,	10
11	Q. Okay. Were you given certificates for when	11
12	you completed these courses or classes?	12
13	A. I think so. I'd have to go through my records	13
14	and look. I'd have to show them something of completion.	14
15	Q. Okay. And is it your understanding that you	15
16	successfully completed all of the classes?	16
17	A. Yes.	17
18	Q. Okay. Mr. Fisher, I think that is all of the	18
19	questions I have for you today. For the signature	20
20	MR. WILKERSON: I've got a couple.	21
21	MR. DODD: Oh, you've got a couple	22
22	questions. Okay. Excuse me.	23
23	EXAMINATION	24
24 25	BY MR. WILKERSON:	25
	Q. Mr. Fisher, with regard to this last line of	The state of the s

	Page 53	
	_	
2	WITNESS CERTIFICATE	
3	I, KIRK C. FISHER, hereby certify that I have read the	
4	foregoing typewritten pages 1 through 54, inclusive, and	
5	corrections, if any, were noted by me, and the same is a	
6	true and correct transcript of my testimony.	
7	· · · ·	
a		
9	Dated this day of, 2013.	
10 11		
12		
13	KIRK C. FISHER	
14	KIRK C. HOLLIK	
15	i	
16	Signed before me this day of, 2013.	
17	-	
18	•	
19 20		
21		
22	Deposition of: KIRK C. FISHER	
	Taken on: April 17, 2013	
23	Fisher v. Kealoha, et al.	
	CV11 00589 ACK-BMK	
24	By: Leigh Anne Meeks, RPR, CSR 483	
25		
	Page 54	
1	CERTIFICATE	
3	STATE OF HAWAII)	
4) SS. CITY AND COUNTY OF HONOLULU)	
5	I. LEIGH ANNE MEEKS, do hereby certify:	
7	That on April 17, 2013, at 9:00 a.m.,	
	appeared before me KIRK C. FISHER, the witness whose 54-page deposition is contained herein; that prior to	
`	being examined, he was, by me, duly sworn or affirmed	
9	pursuant to Act 110 of the 2010 Session of the Hawaii	
10	State Legislature; that the deposition was taken down by me in machine shorthand and was thereafter reduced to	
11	typewritten form under my supervision; that the foregoing	
	represents, to the proceedings had in the foregoing matter; that pursuant to Rule 30(e) of the Hawaii Rules	
12	of Civil Procedure, a request for an opportunity to review and make changes to this transcript was made by	
13	the deponent or a party prior to the completion of the	
14	deposition.	
	I further certify that I am not an attorney	
15	for any of the parties hereto, nor in any way concerned	
16	with the cause.	
17	DATED this 29th day of April, 2013, in Honolulu, Hawaii.	
18	Honoralu, Hawali.	
19 20		
21		
22	LEIGH ANNE MEEKS, RPR, CSR NO. 483	3877×3
23		
24 25		No Day Mark Market Commencer (Commencer Commencer Commen
L	The second secon	