

ROBERT CARSON GODBEY, 4685  
Corporation Counsel

D. SCOTT DODD, 6811  
Deputy Corporation Counsel  
Department of the Corporation Counsel  
City and County of Honolulu  
Honolulu Hale, Room 110  
530 South King Street  
Honolulu, Hawai'i 96813  
Telephone: (808) 768-5129  
Facsimile: (808) 768-5105  
E-mail address: dsdodd@honolulu.gov

Attorneys for City Defendants

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI'I

KIRK C. FISHER,	)	CIVIL NO. CV11 00589 ACK-BMK
	)	
Plaintiff,	)	
	)	STIPULATED MOTION TO ALLOW
vs.	)	CITY DEFENDANTS AN
	)	EXTENSION OF TIME WITHIN
LOUIS KEALOHA, as an individual	)	WHICH TO FILE CITY
and in his official capacity as Honolulu	)	DEFENDANTS' OPPOSITION TO
Chief of Police; PAUL PUTZULU, as	)	PLAINTIFF KIRK C. FISHER'S
an individual and in his official capacity)	)	MOTION FOR PRELIMINARY
as former Honolulu Acting Chief of	)	INJUNCTION FILED MARCH 19,
Police; CITY AND COUNTY OF	)	2012; CERTIFICATE OF SERVICE
HONOLULU; HONOLULU POLICE	)	
DEPARTMENT and DOE	)	
DEFENDANTS 1-50,	)	
	)	
Defendants.	)	
_____	)	

STIPULATED MOTION TO ALLOW CITY DEFENDANTS AN  
EXTENSION OF TIME WITHIN WHICH TO FILE CITY DEFENDANTS'  
OPPOSITION TO PLAINTIFF KIRK C. FISHER'S MOTION FOR  
PRELIMINARY INJUNCTION FILED MARCH 19, 2012

Defendants CITY AND COUNTY OF HONOLULU ("City") and LOUIS KEALOHA ("Kealoha") (hereinafter collectively referred to as the "Defendants" or "City Defendants"), by and through their attorneys, Robert Carson Godbey, Corporation Counsel, and D. Scott Dodd, Deputy Corporation Counsel, hereby move, without opposition, this Honorable Court for an order permitting the City Defendants an Extension Of Time Within Which To File City Defendants' Opposition to Plaintiff Kirk C. Fisher's ("Plaintiff") Motion for Preliminary Injunction filed March 19, 2012 ("motion for preliminary injunction") (ECF No. 18), and respectfully state as follows:

1. On January 24, 2012, Defendants filed a motion to dismiss Plaintiffs Complaint (ECF No. 16), and Plaintiff's opposition would be due no later than March 19, 2012.

2. On March 19, 2012, Plaintiff filed an opposition to the Defendants' motion to dismiss, and concurrently filed a motion for preliminary injunction (ECF No. 18).

3. Pursuant to the Court's notice on March 21, 2012, the hearing on the motion for preliminary injunction would be June 4, 2012, and the City Defendants' opposition to the motion would be due no later than May 14, 2012.

4. Due to a significant amount of personal stress on undersigned counsel, coupled with an office failure to properly calendar the date the opposition to Plaintiff's motion for preliminary injunction would be due, undersigned counsel failed to prepare and file the City Defendants' opposition to the motion for preliminary injunction in a timely manner.

5. On Thursday, May 17, 2012, undersigned counsel telephoned Te-Hina Ickes, Esq., one of the attorneys for Plaintiff, and left a voice mail message explaining undersigned counsel's failure to properly calendar the opposition date, and inquired whether Plaintiff would stipulate to an extension of time for the City Defendants to file and serve an opposition to Plaintiff's motion for preliminary injunction.

6. On Friday, May 18, 2012, Ms. Ickes left a voice mail message for me indicating that Plaintiff would not object to the City Defendants requesting additional time to file their opposition to Plaintiff's motion for preliminary injunction.

7. The City Defendants respectfully request that this Court grant an extension until May 24, 2012 for them to file their opposition to Plaintiff's motion for preliminary injunction.

8. In the interests of fairness, should the Court grant the City Defendants requested extension to file any opposition to Plaintiff's motion for preliminary

injunction, undersigned counsel believes it would be appropriate to grant Plaintiff a similar extension to file any reply in support of his motion for preliminary injunction.

9. Should the Court be willing to grant the requested extension, undersigned counsel submits that it is in the Court's discretion as to whether to continue the hearing on the motion for preliminary injunction.

WHEREFORE, the City Defendants respectfully requests that this Court grant the requested extension and allow the City Defendants until Thursday, May 24, 2012, to file an opposition to Plaintiff's motion for preliminary injunction.

DATED: Honolulu, Hawai'i, Tuesday, May 22, 2012.

ROBERT CARSON GODBEY  
Corporation Counsel

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

Attorney for City Defendants

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