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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI'I

KIRK C. FISHER,)	CIVIL NO. CV11 00589 ACK-BMK
)	
Plaintiff,)	
)	CITY DEFENDANTS FINAL
vs.)	PRETRIAL STATEMENT;
)	CERTIFICATE OF SERVICE
LOUIS KEALOHA, as an individual)	
and in his official capacity as Honolulu)	
Chief of Police; PAUL PUTZULU, as)	
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: November 14, 2012
_____)	

CITY DEFENDANTS FINAL PRETRIAL STATEMENT

Comes now Defendants CITY AND COUNTY OF HONOLULU (“Defendant City”) and LOUIS KEALOHA (hereinafter the “Defendants” or “City Defendants”), by and through their attorneys, Robert Carson Godbey, Corporation Counsel, and D. Scott Dodd, Deputy Corporation Counsel, and hereby file their Final Pretrial Statement in accordance with Local Rule 16.6.

I. PARTIES

This Pretrial Statement is filed on behalf of Defendants City and County of Honolulu and Louis Kealoha.

II. JURISDICTION

This Court has jurisdiction to hear Plaintiff’s § 1983 claim under 28 U.S.C. § 1331.

III. SUBSTANCE OF ACTION

On November 5, 1997, Plaintiff was arrested on two counts of Harassment in violation of HRS §711-1106(1)(a). In or around November 20, 1997, Plaintiff owned firearms and pursuant to a Family Court Order, transferred said firearms to Defendant Honolulu Police Department. On December 3, 1997, Plaintiff pled guilty and was sentenced to six (6) months probation. The transcripts/audio recordings of the December 3, 1997 hearing have since been destroyed. On November 4, 1998, Honorable Dan Kochi issued an Order Permitting Return of

Firearms, Ammunition, Permits and Licenses, with Conditions. Pursuant to the court order, the Honolulu Police Department (“HPD”) returned Plaintiff's firearms. In the fall of 2009, Plaintiff submitted an application to acquire an additional firearm. Defendant Putzulu denied Plaintiff's application and informed him that pursuant to HRS §134-7, he was disqualified from firearm ownership and possession because of his prior harassment conviction. He further directed Plaintiff to surrender to the Chief of Police or otherwise lawfully dispose his firearms and ammunition within thirty (30) days. Plaintiff transferred ownership and possession of all his firearms to his wife after she obtained the proper permits. Plaintiff alleges his right to keep and bear arms was violated.

IV. PREVIOUS MOTIONS

The City Defendants filed motions to dismiss, and a motion for reconsideration of the preliminary injunction.

V. WITNESSES

1. Plaintiff Kirk C. Fisher
c/o DONALD L. WILKERSON, ESQ.
LAW OFFICES OF DONALD L. WILKERSON
Bishop Square, Pauahi Tower, Suite 1320
1003 Bishop Street
Honolulu, Hawai‘i 96813

and

TE-HINA ICKES, ESQ.
Davies Pacific Center, Suite 2201
841 Bishop Street
Honolulu, Hawai'i 96813

2. Defendant Louis Kealoha
c/o D. Scott Dodd, Esq.
Department of Corporation Counsel
City and County of Honolulu
Honolulu Hale, Room 110
530 South King Street
Honolulu, Hawai'i 96813
3. Defendant Deputy Chief Paul Putzulu (Retired)
123 Karsten Drive
Wahiawa, Hawai'i 96786-2817
4. Authorized Representative of the Honolulu Police Department
regarding decision to deny firearm application

The City reserves the right to identify other persons who may have knowledge of discoverable information relevant to the claims and defenses.

VI. EXHIBITS, SCHEDULES, AND SUMMARIES

The City is in possession of Honolulu Police Department documents identified as Bates-stamped document numbers C-00001 through C-00033, which were produced on May 17, 2012, and may be used to support its defenses in this lawsuit.

VII. FURTHER DISCOVERY OR MOTIONS

Discovery is closed. Defendants have filed a notice of appeal and intend on filing several motions *in limine* and a motion to stay proceedings.

VIII. TRIAL

Trial is currently scheduled to commence on November 14, 2012 before the Honorable Allen C. Kay.

IX. ESTIMATE OF TRIAL TIME

Defendants believe that the trial will last at least four (4) days to six (6) days.

DATED: Honolulu, Hawai'i, Tuesday, October 2, 2012.

ROBERT CARSON GODBEY
Corporation Counsel

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

Attorney for Defendants
CITY AND COUNTY OF HONOLULU

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