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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
vs.	)	OF HONOLULU'S MOTION FOR
	)	PARTIAL DISMISSAL OF
LOUIS KEALOHA, as an individual	)	COMPLAINT FILED
and in his official capacity as Honolulu	)	SEPTEMBER 28, 2011;
Chief of Police; PAUL PUTZULU, as	)	MEMORANDUM IN SUPPORT OF
an individual and in his official capacity	)	MOTION; CERTIFICATE OF
as former Honolulu Acting Chief of	)	SERVICE
Police; CITY AND COUNTY OF	)	
HONOLULU; HONOLULU POLICE	)	
DEPARTMENT and DOE	)	
DEFENDANTS 1-50,	)	
	)	
Defendants.	)	Trial Date: None
_____	)	

DEFENDANT CITY AND COUNTY OF HONOLULU'S 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, December 9, 2011.

ROBERT CARSON GODBEY  
Corporation Counsel

By: /s/ D. Scott Dodd  
D. SCOTT DODD  
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Attorney for Defendant  
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10-06858/205421