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KIRK C. FISHER

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

KIRK C. FISHER,)	CIVIL NO. 11-00589 ACK/BMK
)	
Plaintiff,)	PLAINTIFF’S CONCISE
)	STATEMENT OF FACTS IN
vs.)	SUPPORT OF MOTION FOR
)	SUMMARY JUDGMENT;
LOUIS KEALOHA, in his individual)	DECLARATION OF KIRK C.
capacity and his official capacity as)	FISHER; DECLARATION OF
Honolulu Chief of Police; PAUL)	TE-HINA ICKES; EXHIBITS “1” -
PUTZULU, in his individual capacity)	“5”; CERTIFICATE OF SERVICE
and his official capacity as Honolulu)	
Acting Chief of Police; CITY AND)	
COUNTY OF HONOLULU;)	
HONOLULU POLICE DEPARTMENT))	
and DOE DEFENDANTS 1-50,)	
)	
Defendants.)	
_____)	

**PLAINTIFF’S CONCISE STATEMENT OF FACTS IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56.1 of the Local Rules of Practice for the United States District Court for the District of Hawaii, Plaintiff hereby submits his concise statement of material facts in support of his Motion for Summary Judgment.

	MATERIAL FACT	EVIDENTIARY SUPPORT
1	On December 3, 1997, Mr. Fisher had pled guilty to two counts of Harassment and was sentenced to 6 months probation.	Declaration of Kirk C. Fisher ¶3 (hereinafter “Fisher Decl.”)
2	On November 4, 1998, the Hon. Dan Kochi issued an “Order Permitting Return of Firearms, Ammunition, Permits and Licenses, With Conditions,” and ordered the return of Mr. Fisher’s firearms.	Exhibit “2”
3	Following this order, HPD promptly returned Mr. Fisher’s firearms.	Defendants City and County of Honolulu and Louis Kealoha’s Answer to First Amended Complaint ¶1 (hereinafter “Answer”)
4	Prior to October of 2009, Mr. Fisher owned and possessed firearms.	Fisher Decl. ¶8
5	In the fall of 2009, Mr. Fisher submitted an application to HPD to acquire additional firearms.	Fisher Decl. ¶8; Answer ¶1

6	On October 1, 2009, Acting Chief of Police Paul Putzulu, through subordinate Major Kurt B. Kendro, denied Mr. Fisher's application, on the grounds that Mr. Fisher was disqualified pursuant to H.R.S. §134-7.	Fisher Decl. ¶9; Answer ¶1; Exhibit "3"
7	Mr. Fisher was then ordered to surrender to the chief of police of otherwise lawfully disposed of his firearms and ammunition within 30 days.	Fisher Decl. ¶10; Answer ¶1; Exhibit "3"
8	Mr. Fisher was told that if he did not lawfully dispose of his firearms and ammunition, he would be arrested.	Fisher Decl. ¶10
9	Mr. Fisher thereafter lawfully disposed of all firearms and ammunition.	Fisher Decl. ¶11
10	HPD informed Mr. Fisher that he was disqualified because of his prior petty misdemeanor Harassment conviction in <u>State of Hawaii v. Kirk C. Fisher</u> , FC-CR No. 97-3233.	Fisher Decl. ¶12
11	HPD informed Mr. Fisher that it was their custom, practice and policy to review the police reports to determine whether or not a defendant's alleged crime was a crime of violence.	Fisher Decl. ¶12
12	Mr. Fisher was told that Putzulu's decision was final and there were no appellate remedies.	Fisher Decl. ¶12
13	On August 31, 2010, Mr. Fisher, through counsel, wrote to HPD and requested that they grant his application for Permit to Acquire Firearms and rescind the prior order instructing Mr. Fisher to surrender or dispose of his firearms.	Exhibit "4"
14	On September 29, 2010, Defendant Kealoha responded to Mr. Fisher's inquiry by re-affirming HPD's prior denial of Mr. Fisher's application.	Exhibit "5"

