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Attorney for Amicus Curiae Hawaii Defense Foundation

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

KIRK FISHER

Plaintiff,

vs.

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;
and CITY AND COUNTY OF
HONOLULU,

Defendants.

Civ. No. 11-00589 ACK-BMK
Motion to Appear By Phone

Motion to Appear

COME NOW the Amicus Curiae, Hawaii Defense Foundation (“HDF”) by and through undersigned counsel, request to appear at the August 12, 2013 hearing. HDF’s counsel wishes to appear by phone and will likely have on-island counsel appear physically as well. Granting this motion would serve this Court in resolving Mr. Fisher’s case. HDF does not plan on taking an overly active role in deliberations. Counsel would merely be prepared to answer any questions this Court has and rebut expected erroneous commentary made by Amicus Curiae Brady Center to Prevent Gun Violence. If this motion is granted HDF would be prepared to discuss the following issues.

1. HDF’s concession that as amicus curiae it has no right to expand this suit to a facial challenge.
2. HDF’s brief bolsters Mr. Fisher’s as applied challenge. All case law argues for this Court to apply some form of heightened scrutiny and favors this Court issuing an order maintaining Mr. Fisher’s continued ownership of firearms.
3. Mr. Fisher’s years of lawful firearm possession without incident is insurmountable evidence that Defendants do not have an important or compelling government interest in taking away his constitutional rights.

4. A historical analysis of what the term “unvirtuous” citizen meant (or more properly a man lacking in civic virtue) and why a conviction of a misdemeanor crime of violence is not dispositive evidence a citizen lacks virtue.
5. Any and all other issues this Court directs HDF’s counsel to address.

Executed this the 28th day of July, 2013.

/s/ Alan Beck
Alan Beck (HI Bar No. 9145)
Attorney for Amicus Curiae
Hawaii Defense Foundation

Certificate of Service

On this, the 28th day of July, 2013, I served the foregoing pleading by electronically filing it with the Court's CM/ECF system, which generated a Notice of Filing and effects service upon counsel for all parties in the case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this the 28th day of July, 2013.

/s/ Alan Beck

Alan Beck (HI Bar No. 9145)
Attorney for Amicus Curiae
Hawaii Defense Foundation