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LOUIS KEALOHA and the
CITY AND COUNTY OF HONOLULU

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

KIRK C. FISHER,	)	CIVIL NO. CV11 00589 ACK-BMK
	)	(Other Civil Action)
Plaintiff,)	
)	
vs.	)	DEFENDANTS LOUIS KEALOHA
	)	AND CITY AND COUNTY OF
LOUIS KEALOHA, as an individual	)	HONOLULU'S MOTION FOR
and in his official capacity as Honolulu	)	LEAVE TO FILE DOCUMENT
Chief of Police; PAUL PUTZULU, as	)	CONSISTING OF AN ADDITIONAL
an individual and in his official capacity)	)	EXHIBIT TO SUPPLEMENT
as former Honolulu Acting Chief of	)	DEFENDANTS LOUIS KEALOHA
Police; CITY AND COUNTY OF	)	AND CITY AND COUNTY OF
HONOLULU; HONOLULU POLICE	)	HONOLULU'S SEPARATE AND
DEPARTMENT and DOE	)	CONCISE COUNTER-STATEMENT
DEFENDANTS 1-50,	)	OF FACTS IN OPPOSITION TO
	)	PLAINTIFF'S MOTION FOR
Defendants.	)	SUMMARY JUDGMENT FILED
	)	JULY 22, 2013; DECLARATION OF

) D. SCOTT DODD; EXHIBIT “E”;
) CERTIFICATE OF SERVICE
)
) Hearing:
)
) Date: August 12, 2013
) Time: 10:00 a.m.
) Judge: Honorable. Alan C. Kay
)
) Trial Date: None Set
) Judge: Honorable Alan C. Kay
)
_____)

DEFENDANTS LOUIS KEALOHA AND CITY AND
COUNTY OF HONOLULU’S MOTION FOR LEAVE TO FILE A
DOCUMENT CONSISTING OF AN ADDITIONAL EXHIBIT TO
SUPPLEMENT DEFENDANTS LOUIS KEALOHA AND
CITY AND COUNTY OF HONOLULU’S SEPARATE
AND CONCISE COUNTER-STATEMENT OF FACTS IN
OPPOSITION TO PLAINTIFF’S MOTION FOR
SUMMARY JUDGMENT FILED JULY 22, 2013

Defendants LOUIS KEALOHA (hereinafter “Kealoha”) and the CITY
AND COUNTY OF HONOLULU (hereinafter collectively referred to as
“Defendants” or “City Defendants”), by and through their attorneys Donna
Y. L. Leong, Corporation Counsel, and D. Scott Dodd, Deputy Corporation
Counsel, hereby respectfully submit to this Honorable Court their motion
leave to file a document consisting of an additional exhibit to supplement
their separate and concise counter-statement of facts filed in opposition to
Plaintiff’s for Summary Judgment filed July 22, 2013.

This motion is filed pursuant to LR 7.2, 7.4 and 56.1. The additional exhibit consists of a condensed copy of the deposition transcript of Plaintiff Kirk Fisher, taken on April 17, 2013.

The document is crucial in that initially, Plaintiff argued that no look at the underlying facts of the crime Plaintiff committed was appropriate; however, in Plaintiff's Reply to the Defendants' opposition to his motion for summary judgment, Plaintiff is now arguing that even if the Court can look at the facts underlying his criminal conviction, it can only look at 'reliable judicial records,' which do *not* include the police reports. To the extent Plaintiff is now challenging the reliability of the police reports, attached to the Defendants' counter concise statement of facts in opposition to Plaintiff's motion for summary judgment, and claims that the Court should not consider them, Plaintiff's deposition establishes that the information in those reports (at least the fact that Plaintiff shoved his wife) is reliable.¹ To the extent Plaintiff is arguing that he never committed an act against his wife which would constitute a "crime of violence," his deposition testimony serves to rebut that assertion.

The instant motion is based on the attached declaration of D. Scott Dodd, and exhibit thereto, and the entire record and files herein.

¹ See, Deposition of Kirk C. Fisher, pp. 33-34, attached to the Declaration of D. Scott Dodd as Exhibit "E", wherein Plaintiff confirmed that he at least "pushed" his wife.

DATED: Honolulu, Hawai‘i, August 8, 2013.

DONNA Y. L. LEONG
Corporation Counsel

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

Attorney for City Defendants
LOUIS KEALOHA, and the
CITY AND COUNTY OF
HONOLULU

11-05983/294590

CIVIL NO. CV11 00589 ACK-BMK (Other Civil Action); KIRK C. FISHER vs. LOUIS KEALOHA, ET AL.; DEFENDANTS LOUIS KEALOHA AND CITY AND COUNTY OF HONOLULU’S MOTION FOR LEAVE TO FILE DOCUMENT CONSISTING OF AN ADDITIONAL EXHIBIT IN TO SUPPLEMENT DEFENDANTS LOUIS KEALOHA AND CITY AND COUNTY OF HONOLULU’S SEPARATE AND CONCISE COUNTER-STATEMENT OF FACTS IN OPPOSITION TO PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT FILED JULY 22, 2013; DECLARATION OF D. SCOTT DODD; EXHIBIT “E”; CERTIFICATE OF SERVICE