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

SERGEANT SHERMON DEAN
DOWKIN, et al.,

Plaintiffs,

vs.

THE CITY AND COUNTY OF
HONOLULU, et al.,

Defendants.

) CIVIL NO. CV 10-00087 LEK/RLP
)
) **PLAINTIFFS' PRETRIAL**
) **STATEMENT**
)
) Non-hearing Motion
)
) TRIAL DATE: March 1, 2016
) TRIAL JUDGE: Honorable Leslie
) Kobayashi

PLAINTIFFS' PRETRIAL STATEMENT

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COME NOW Plaintiffs, by and through their counsel, Merit Bennett, Victor J. Bakke and Seth L. Goldstein, and provide the following Pretrial Statement, pursuant to Court Order and LR16.6, as follows:

A. Parties.

This Statement is filed on behalf of Plaintiffs Cassandra Huihui (aka Cassandra Bennett-Bagorio and aka Bennett-Huihui and hereinafter “Huihui”), Shermon Dean Dowkin (hereinafter “Dowkin”) and Federico Delgadillo Martinez, Jr. (aka Federico Delgadillo and hereinafter “Delgadillo”).

B. Jurisdiction and Venue.

Jurisdiction over Plaintiffs’ federal claims is proper under 28 U.S.C. § 1331. The Court has supplemental jurisdiction over their Hawai’i state law claims, pursuant to 28 U.S.C. § 1367. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b).

Plaintiffs do not dispute jurisdiction or venue.

C. Substance of Action.

Race and gender discrimination and retaliation and other tort misconduct during the employment of the Plaintiffs with the Defendant Honolulu Police Department.

Claims:

- Count I, race and gender discrimination, in violation of Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991, 42 U.S.C. Sec. 2000e-2, et seq., by all Plaintiffs against the City;
- Count II, race discrimination, in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d, et seq., by Dowkin and Delgadillo against the City;
- Count III, violations of Haw. Rev. Stat. Sec. 378-2(1) and (2) by all Plaintiffs against the City, and violations of Sec. 378-2(3) by all Plaintiffs against Fernandez and Kwon; and
- Count V, intentional infliction of emotional distress by Dowkin against Kashimoto as to the October 11, 2010, incident, and by Bennett Huihui against Tanaka as to the October 18, 2010, Porky's Bar Incident.

Factual Background:

Beginning in 2004, Sergeant Dowkin, a black officer, then commanding the District 4 DUI Team in Kailua, experienced repeated failure of certain patrol officers and command staff to provide Sgt. Dowkin and his DUI Team officer, Mexican-American Officer Federico Delgadillo, with mandatory back-up cover for nighttime DUI stops.

Sgt. Dowkin and Officer Delgadillo were by-the-book ex-military officers who became increasingly concerned that the ongoing failure to receive standard back-up cover (occurring since 2004) was racially motivated. In fact, they learned that the Patrol Commanders, Defendants Lt. Kwon and Sgt. Fernandez, had actually ordered their District 4 patrol officers to NOT provide back-up cover to the DUI Team, in direct contravention of HPD policy and procedure, thus putting Sgt. Dowkin and Officer Delgadillo at risk of bodily harm and potentially death.

Having failed to get the local command staff to correct this direct violation of HPD policy and having experienced some “close calls” when arresting contentious DUI suspects alone for approximately four years, Sgt. Dowkin was finally forced to identify the reason for the failure of Lt. Kwon, Sgt. Fernandez and other Asian-American and mixed-race officers to provide back-up cover to himself and Officer Delgadillo as “race discrimination” in an August 2008 memo to then Chief Boisse Correa.

Sgt. Dowkin knew that this memo “crossed the blue line” and could potentially invite retaliation, but he was certain that he and Officer Delgadillo were deliberately not being provided with back-up cover because of their race and it was only a matter of time before one of them would be seriously injured or killed as a result. After four years of wondering if they would survive their night shifts and after four years of them

(and their spouses) suffering increasing stress and anxiety (developing into later-diagnosed PTSD for both of them), Sgt. Dowkin and Officer Delgadillo decided that they had no choice but to “cross the blue line” and report the discrimination to the Chief of Police.

Instead of immediately separating Sgt. Dowkin and Officer Delgadillo from the offending patrol officers pending an investigation of Sgt. Dowkin’s and Officer Delgadillo’s race discrimination complaint (as Chief Correa and other command officers later admitted in their depositions would have been prudent), Correa permitted Sgt. Dowkin and Officer Delgadillo to continue to rely on the offending patrol officers for nighttime back-up cover, which the offenders continued to fail to provide.

Correa ordered an “investigation,” which, according to HPD’s own written policy, was required to be completed within only 5 business days because of the urgency implied in the accusation of race discrimination and the potential of irreparable harm to victimized officers, yet he deliberately failed to press for such immediate resolution.

The so-called “investigation,” ordered by Correa and “continued” by Kealoha, was deliberately delayed for 3 years and 3 months, solely in order to hide evidence and evade a judicial finding of liability and ultimate accountability, despite (1) accelerated retaliation, (2) the filing of amended EEOC charges, (3) the filing of this lawsuit in

February of 2010 and (4) the physical injury of Officer Huihui in October of 2010. The “investigation” and the Administrative Review Board’s recommendation of the suspension of Defendant Kwon for racially-motivated misconduct toward Plaintiff Delgadillo were personally whitewashed by Chief Kealoha in December of 2011 and covered up by Corporation Counsel.

During the initial Internal Affairs “investigation,” IA interviewed Caucasian female Plaintiff Officer Bennett-Bagorio (now Huihui by remarriage) who was a career patrol officer following in the footsteps of her father, a former HPD Major with 35 years of service, and Officer Huihui truthfully responded to questioning by stating that she was certain that Lt. Kwon’s, Sgt. Fernandez’s and other patrol officers’ failure to provide the DUI Team with back-up cover was racially motivated - by telling the truth, she also “crossed the blue line.”

Soon after confirming the racial discrimination targeting Sgt. Dowkin and Officer Delgadillo, Officer Huihui was retaliated against by the offending officers who also began to deliberately not provide her with mandatory back-up cover when she made nighttime traffic stops, and she too was forced to complain to her chain of command that she was experiencing illegal gender and race discrimination and retaliation for confirming the complaints of Sgt. Dowkin and Officer Delgadillo.

Again, instead of immediately and prudently separating the complainants from the alleged offenders, Chief Correa and his successor, Chief Kealoha, did nothing to protect the Plaintiffs' safety. (Kealoha actually permitted a named Defendant (Sgt. Tanaka) to directly supervise Officer Huihui after the lawsuit was filed – see below.)

And, the failures to provide back-up cover for Sgt. Dowkin, Officer Delgadillo and Officer Huihui escalated.

Numerous “close-call” incidents occurred, and because nothing was done by the chain of command to protect the Plaintiffs (either by separating the contending parties or by immediately conducting and concluding the investigation), the Plaintiffs were forced to file EEOC charges (and amended charges), hoping that the chain of command would finally intervene and quell the dangerous retaliation, known in police vernacular as “icing.”

Because the HPD administration still did absolutely nothing to protect these officers, they were finally forced to file a lawsuit with this Court in February of 2010, hoping that such a drastic measure would involve the “wisdom” of corporation counsel and finally cause the police department hierarchy to insure the physical and emotional security of these long-serving and faithful officers whose lives were unnecessarily put at risk every night they showed up for duty by invidious racial and gender discrimination, tacitly condoned by a prejudiced (and feckless) administration.

But no - still nothing was done; even though several command officers (and the defense's police chief expert witness) admitted later when they were deposed that the contesting parties should have been, at the very least, immediately separated.

Even more incredibly, after the lawsuit was filed against the Department and a number of complicit and offending officers in the Plaintiffs' chain of command, Officer Huihui was assigned under the direct supervision of one of her perpetrators, Defendant Sgt. Ralston Tanaka, on night patrol.

This decision, made by HPD command officers with the knowledge of corporation counsel during the pendency of a federal lawsuit, was patently reckless, because, sure enough, in October of 2010, Sgt. Tanaka permitted Officer Huihui to enter the front door of a bar ALONE, in which a known felon was present and thought to be armed and potentially dangerous, WITHOUT ordering her to receive back-up cover, while Tanaka took his two other subordinate male officers on the scene around to the back of the bar, totally in violation of the HPD policy and procedure to provide officers with mandatory back-up cover.

This time the retaliation against Officer Huihui, tacitly condoned by the Department and undertaken by this particular Defendant (Sgt. Tanaka), finally achieved its retaliatory goal - Officer Huihui was attacked by the suspect when she entered the bar without cover, causing her to seriously and permanently injure her back

and ultimately resulting in her disability discharge and the premature ending of her chosen professional career.

She is now totally disabled, needs the assistance of a cane to walk and can never again work or lead an active life - all because of the despicable failure of an institution riddled with weak men unable to cope with their own prejudice and false pride, placing their officers at deadly risk of harm and even death.

The Defendants' misconduct is not only intentional; it is criminal. The tacit conspiracy to knowingly expose the Plaintiffs to a known risk of serious bodily harm constitutes a criminal conspiracy to commit, and the actual commission of, the crime of reckless endangerment in violation of Hawai'i Revised Statutes:

H.R.S., Sec. 707-713; Reckless Endangering in the First Degree:

(1) A person commits the offense of reckless endangering in the first degree if the person employs widely dangerous means in a manner which recklessly places another person in danger of death or serious bodily injury

(2) Reckless endangering in the first degree is a class C felony.

H.R.S., Sec. 705-520; Criminal Conspiracy:

A person is guilty of criminal conspiracy if, with intent to promote or facilitate the commission of a crime:

(1) He agrees with one or more persons that they or one or more of them will engage in or solicit the conduct or will cause or solicit the result specified by the definition of the offense [Reckless endangering in the first degree]; and

(2) He or another person with whom he conspired commits an overt act in pursuance of the conspiracy.

Because the City and County has now officially declared Officer Huihui to be totally disabled and unable to work, the City and County has therefore admitted that she has been irreparably damaged as the proximate consequence of the illegal discrimination and retaliation criminally perpetrated by the Defendants. This admission of liability also extends to the damages suffered by Plaintiffs Dowkin and Delgadillo.

Earlier in October of 2010, Sgt. Dowkin had an extremely close call of being injured when Defendant Kashimoto deliberately “slow-rolled” (intentionally delayed his response, knowing that it could cause Sgt. Dowkin serious injury or death – reckless endangerment) to Sgt. Dowkin in a parking lot when Sgt. Dowkin was confronting a stabbing suspect. This close call severely exacerbated Sgt. Dowkin’s already heightened PTSD/anxiety disorder, and this ongoing deliberate failure of HPD command to separate Sgt. Dowkin from his lawsuit defendant almost resulted in another life-threatening tragedy.

Sgt. Dowkin’s wife became fearful of losing her husband and father of their children, and their marriage is still under tremendous stress as he continues to somehow remain on the job, always fearful of not being provided with back-up cover or being set up for unwarranted discipline.

Because he dared to “cross the blue line,” Sgt. Dowkin is no longer leading the DUI Team and collecting overtime pay, and the likelihood of him achieving any further professional advancement and concomitant pay increases is non-existent in a Department where he has been totally ostracized for daring to call out race discrimination.

Officer Delgadillo’s wife was also fearful of losing her husband and the father of her children to “death by icing,” and she demanded that he quit the force and move the family back to their home state of Texas in order to keep him from being killed. Since Officer Delgadillo left the force, he has not been able to obtain consistent employment and has accordingly suffered professional embarrassment, continuing emotional distress and tremendous financial loss. He, too, was diagnosed with anxiety disorder.

Both Sgt. Dowkin and Officer Delgadillo were seen by renowned Oahu Psychiatrist, Alvin Murphy, M.D., for their PTSD/anxiety symptoms. Officer Huihui received psychological treatment for her anxiety, depression and PTSD symptoms from Daniel Meier, Ph.D. Psychologist, and treatment for her disabling physical injuries from Chief Orthopedist Ron Gackle, M.D., both with Kaiser Permanente.

The City and County hired a former Police Chief (Chief Van Blaricom from Bellevue, Washington) to provide expert testimony in this case that mandatory back-up cover for officers in the field is not required by police departments, including HPD.

However, at Chief Van Blaricom's deposition in Seattle this past summer, he admitted on the record, when confronted with overwhelming contrary evidence, that his opinion was incorrect and that back-up cover on the island of Oahu is, in fact, mandatory, and the failures of the Defendants to provide it to the Plaintiffs in this case was a complete violation of HPD policy and procedure.

Plaintiffs' law enforcement expert is a former Police Chief in Westminster, Colorado, bordering Denver. He clearly pins liability on the command staff of HPD and will testify that what happened here is a total failure of command, from top to bottom, resulting in the tacit approval of retaliatory and dangerous "icing" which could easily have led to the death of one or more of the Plaintiffs.

Cover-up and Second Lawsuit:

In addition to the racially and gender-motivated failures to provide backup cover, of which there are over 40 documented instances, the City and County deliberately engaged in a cover-up of inculpatory evidence (the ARB's recommendation of the suspension of Defendant Lt. Kwon for racial discrimination against Officer Delgadillo) in order to whitewash Kwon's recommended suspension

and to “make disappear” this admission by the City and County that Title VII of the 1964 Civil Rights Act and the Hawai’i Civil Rights Act were indeed violated by the Defendants. The Plaintiffs lodged new EEOC Charges regarding this discriminatory and retaliatory cover-up and filed a Second Lawsuit which is now on appeal to the Ninth Circuit. The case caption of the Second Lawsuit is: *Officer Cassandra Bennett-Bagorio, et al. v. The City & County of Honolulu, et al.*, Case No. CV1300071 LEK-KSC.

The facts underlying the Second Lawsuit are also admissible in the instant case, as they constitute dispositive evidence of the Defendants’ intent to discriminate and retaliate against the Plaintiffs in this case.

D. Undisputed Facts.

- (1) Plaintiff Dowkin is a 51-year-old Police Sergeant with the Honolulu Police Department (HPD), employed with HPD since 1988;
- (2) During Plaintiff Dowkin’s career, he has never been disciplined, suspended, demoted nor ever received a sub-par evaluation;
- (3) Sgt. Dowkin is an African-American male and was the only African-American supervisor in HPD District 4 for most of the relevant time period;
- (4) He has been married for 23 years and has 4 children;

- (5) He served in the United States Air Force and the Air Force Reserve and became a resident of the State of Hawai'i in 1981;
- (6) During the relevant time period, Sgt. Dowkin served as a Field Sergeant in HPD District 4, which includes Kaneohe, Kailua and Kahuku, and was the commander of the DUI Team, a special nighttime team organized to target drunk driving in District 4;
- (7) Plaintiff Delgadillo is 48 years old and is married and has 6 children;
- (8) Plaintiff Delgadillo became a resident of Hawai'i in 1993 and a HPD Police Officer in 1998;
- (9) Plaintiff Delgadillo formerly served in the United States Navy in the Gulf War and served in the U.S. Navy Reserve while serving as a HPD police officer;
- (10) During his career with HPD, Plaintiff Delgadillo was never disciplined, suspended nor demoted;
- (11) Plaintiff Delgadillo is a Mexican-American male, and during the relevant time period was the only Mexican-American police officer serving in HPD District 4;
- (12) Plaintiff Delgadillo resigned from his employment in the summer of 2011 and returned with his family to his home state of Texas;

- (13) Plaintiff Huihui is a married, 48-year-old Caucasian female;
- (14) Plaintiff Huihui was employed by HPD as a Police Officer in 1997 and during her career with HPD was never disciplined, suspended nor demoted;
- (15) Plaintiff Huihui was born and raised in Honolulu, and her father, Major (Ret.) William J. Bennett, served his 35-year career as a police officer with HPD, retiring in 1998;
- (16) Plaintiff Huihui was medically discharged from her career with HPD in 2015 as a result of disabling injuries she suffered while on-duty in the “Porky’s Bar Incident” occurring on October 18, 2010, after this lawsuit was filed and while under the direct supervision of Defendant Tanaka;
- (17) The individual Defendants Tanaka and Kashimoto are police officers of mixed Asian descent, and Defendant Fernandez is a former police officer of primarily Portuguese and Italian mixed descent;
- (18) All of the Defendants were required, during the relevant time period of the events set forth in the complaints filed herein, to uphold the constitutions of the United States and the State of Hawai’i and not to discriminate against any of the Plaintiffs based upon his or her race or gender nor to retaliate against any of the Plaintiffs because he and/or she filed a complaint of race

or gender discrimination or retaliation against any Defendant or expressed support for another's discrimination complaint;

- (19) Former Police Chief Boisse Correa was HPD's Chief of Police when Sgt. Dowkin made his "First Race Discrimination Complaint" to Chief Correa on August 7, 2008, (dated July 9, 2008) based upon Sgt. Dowkin's belief that he and Officer Delgadillo were not receiving backup cover from District 4 patrol officers when making DUI traffic stops because Sgt. Dowkin was African-American and Officer Delgadillo was Mexican-American;
- (20) Dowkin had previously complained in writing on November 3, 2007, and on January 9, 2008, to his superiors, including Defendant Kwon, that he and the DUI Team was not receiving mandatory backup cover;
- (21) Upon receipt of the First Race Discrimination Complaint, Chief Correa ordered that backup cover be provided to Sgt. Dowkin and Officer Delgadillo, "Have HRD investigate allegations – sector sergeants and watch lieutenants are to cover officers should regular officer not respond;"
- (22) Upon receipt of the First Race Discrimination Complaint and for the next year until the end of his tenure as Chief, Chief Correa failed to separate Sgt. Dowkin and Officer Delgadillo from their alleged perpetrators;

- (23) Upon receipt of Officer Huihui's (then Bennett-Bagorio) Discrimination/Retaliation Complaint in October of 2008, Chief Correa failed to separate Officer Huihui from any of the alleged perpetrators;
- (24) Upon and after his ascension to Chief of Police in November of 2009, Chief Kealoha also failed to separate any of the Plaintiffs from their alleged perpetrators;
- (25) Neither Chief Correa, Chief Kealoha, nor any HPD command officer ever separated Plaintiffs while on duty from their alleged perpetrators, including after this lawsuit was filed in February of 2010 up to and including the October 18, 2010, Porky's Bar Incident;
- (26) Defendant Kwon, during all relevant times, was the commander of the First Watch, District 4;
- (27) Defendant Fernandez, during all relevant times, was the commanding sergeant of the First Watch, District 4;
- (28) Defendant Tanaka, during all relevant times, was a patrol sergeant in District 4;
- (29) Defendant Kashimoto, during all relevant times, was a patrol officer in District 4;

- (30) Defendant City and all commanding and supervising officers of HPD, including the individual Defendants Kwon and Fernandez, by state and federal law and City and HPD policies, owed duties to Plaintiffs: (1) to insure that illegal racial and gender workplace discrimination and retaliation would not occur within HPD and would not be directed toward Plaintiffs, (2) upon receipt of notice of the occurrence of any such illegal activity, to insure that it was immediately reported, investigated and remediated and that the conflicting parties were immediately separated, and (3) to insure the physical safety of Plaintiffs while they were on duty;
- (31) As confirmed by Major Susan Ballard during her deposition, HPD's race discrimination policy is identical to its sexual harassment policy which required that an investigation of Plaintiffs' discrimination and retaliation complaints (including the First Race Discrimination Complaint, IA No. 08-0554) be completed within 5 working days of the complaint;
- (32) The investigation and final disposition of the First Race Discrimination Complaint took more than 3 years to complete;
- (33) The DUI Team was disbanded on August 23, 2008, 16 days after the First Race Discrimination Complaint was made;

- (34) In February of 2010, this lawsuit was filed, naming Ralston Tanaka as a Defendant;
- (35) Thereafter, Plaintiff Huihui was placed under the direct command and supervision of Defendant Tanaka;
- (36) After this lawsuit was filed, Plaintiffs continued to complain to HPD command of ongoing acts of illegal discrimination and retaliation, including ongoing failures of the Defendants and others to provide mandatory backup cover on traffic stops and at incident scenes, to include Defendant Kashimoto's alleged slow roll to a stabbing incident covered by Sgt. Dowkin on October 11, 2010;
- (37) On or about October 18, 2010, Plaintiff Huihui was seriously injured while on duty at Porky's Bar (the "Porky's Bar Incident"), while under the direct supervision and command of Defendant Tanaka;
- (38) On June 2, 2011, Defendant Fernandez, who was at that time no longer employed with HPD, gained access to Plaintiff Huihui's place of employment at HPD Central Receiving;
- (39) Plaintiff Huihui was terminated from her employment with HPD in the summer of 2015 as a direct result of her disabling injuries sustained during the Porky's Bar Incident;

- (40) Lt. Kwon made racially discriminatory comments to Plaintiff Delgadillo, causing the Administrative Review Board to recommend Lt. Kwon's suspension;
- (41) Lt. Kwon was overheard by Officer Gregory Young referring to Sgt. Dowkin as "that fuckin' nigger" when speaking to Sgt. Fernandez in the Kailua Police Station;
- (42) Sgt. Fernandez, with Lt. Kwon present during First Watch lineups at the Kailua Police Station, was reported by several officers to have ordered First Watch patrol officers to not provide backup cover to Plaintiffs Dowkin and Delgadillo and the DUI Team;
- (43) Providing backup cover to officers first making contact at the scene of suspected crimes, to include DUI traffic stops or entry into buildings where a potentially armed suspect was present, was mandatory pursuant to HPD policy and procedure;
- (44) On November 28, 2007, Lt. Kwon sent a memorandum to Capt. Dolera outlining his proposed "plan" to address the cover issue;
- (45) On December 4, 2007, Capt. Dolera reminded the District 4 Sergeants of the "importance" of providing backup cover;

- (46) At a meeting of District 4 watch supervisors in December of 2007, Lt. Kwon sought support to disband the DUI Team without success because of its value to HPD and to the local community;
- (47) In December of 2001, Lt. Kwon told Plaintiff Delgadillo when he joined the DUI Team, “You know what they say, once you go black [referring to working under Sgt. Dowkin], you never go back.”
- (48) At the end of 2007, Defendant Fernandez gave Plaintiff Delgadillo a poor performance evaluation, and Plaintiff Delgadillo was told by Lt. Kwon and Lt. Axt not to protest the evaluation and “not to start a war over this ... just let it go;”
- (49) On January 8, 2008, Plaintiffs Dowkin and Delgadillo met with Axt and again complained that they were still not receiving backup cover from District 4 patrol officers;
- (50) On January 8, 2008, Axt told Dowkin that he would have to receive additional training (that he had already received) because Dowkin’s “presence is disruptive;”
- (51) On January 9, 2008, Kwon, Axt and Fernandez threatened Dowkin with training if he did not comply with their orders;

- (52) At the same meeting, Sgt. Dowkin again reported that the DUI Team was not being provided with backup cover;
- (53) Kwon referred to Officer Delgadillo as a “beaner” and called him “Senorita” and stated to him “Mexicans can only drive BMW’s or Mercedes if they are stolen” and “Why don’t you f...in’ get a coyote [illegal human trafficker] and do it the traditional way [illegally have his family cross the border];”
- (54) On October 18, 2008, Officer Huihui gave testimony to HPD Human Resources supporting Dowkin’s and Delgadillo’s claims of race discrimination;
- (55) On February 18, 2009, Defendant Tanaka told Plaintiff Huihui, “I hate that fuckin’ Rico [Delgadillo];”
- (56) On February 19, 2009, Plaintiff Huihui was denied participation in an intoxilyzer test class, which Lt. Axt admitted in an email dated June 4, 2009;
- (57) In February of 2009, Plaintiffs Dowkin and Delgadillo were accused of selling tamales;
- (58) On or about April 21, 2009, Officer Huihui received a negative performance evaluation from Fernandez and Kwon;

- (59) In May of 2009, Major Simmons reduced Officer Delgadillo's performance rating;
- (60) Officer Gregory Young testified that Lt. Kwon referred to the three female officers on the First Watch (Huihui, Yvonne Hernandez and Paula Harris) as "Charley's Angels and "stupid blondes."
- (61) In September of 2009, Dowkin received a low performance rating from Axt and Simmons;
- (62) On September 2, 2008, Chief Correa ordered the investigation of the First Race Complaint by HRD;
- (63) On November 10, 2008, Plaintiffs Dowkin and Delgadillo each filed charges of race discrimination and retaliation with the EEOC;
- (64) On April 28, 2009, Plaintiff Huihui filed her first charge of gender discrimination and retaliation with the EEOC;
- (65) On November 8 and 13, 2008, Lt. Carolyn Onaga of HPD originating the investigation of Internal Affairs Case No. 08-0554, marking the commencement of the investigation of the First Race Discrimination Complaint by HPD;
- (66) On November 13, 2008, Defendant Kwon admitted to Lt. Onaga that he had made racially inappropriate remarks to Officer Delgadillo;

- (67) On March 30, 2009, Lt. Onaga forwarded the report of her completed investigation of the First Race Complaint (IA No. 08-0554) to Chief Correa;
- (68) In her report, Lt. Onaga confirmed from her interview of two patrol officers (Officer Perez on October 16, 2008, and Officer Daclison on October 21, 2008) that Defendants Kwon and Fernandez had ordered District 4 patrol officers not to provide the DUI Team with mandatory backup cover on traffic stops to secure their safety as is required by HPD policy;
- (69) Lt. Onaga also confirmed in her report that Defendant Kwon admitted to making racially inappropriate remarks to Plaintiff Delgadillo;
- (70) On March 30, 2009, Lt. Onaga authored two letters to the EEOC, stating that “there is insufficient evidence to support a finding of discrimination in this matter;”
- (71) Lt. Onaga failed to mention in her letters to the EEOC that she had evidence that Kwon and Fernandez had ordered First Watch patrol officers to not provide backup cover to the DUI Team;
- (72) As a result of Lt. Onaga’s initial investigation, the Administrative Review Board recommended the suspension of Kwon for his discriminatory misconduct toward Officer Delgadillo;

- (73) Denise Tsukayama, the City's EEO officer, reported to Chief Kealoha in her November 3, 2011, letter that the Onaga report was returned for "further investigation" following the recommended suspension of Kwon regarding the subject of "mutual name calling" alleged to have been engaged in by Kwon and Plaintiff Delgadillo;
- (74) On November 13, 2009, Lt. Yvonne Bolton of HRD instructed Detective Randall Gratz to conduct a "follow-up" investigation regarding Kwon's allegation that he was "bantering" with Plaintiff Delgadillo;
- (75) On April 7, 2010, Major Inouye wrote a letter to Plaintiff Delgadillo, seeking his response to Kwon's "bantering" allegation, even though this lawsuit was pending and Plaintiff Delgadillo was represented by counsel;
- (76) Major Inouye communicated with Plaintiff Delgadillo a second time about the same matter, and Delgadillo's counsel wrote a letter of complaint to Corporation Counsel Scott Dodd, who responded via a fax dated May 5, 2010, implying that Plaintiff Delgadillo's failure to speak with Gratz would somehow be to his detriment, notwithstanding Dodd's deposition of Delgadillo on April 12, 2011;
- (77) Defendant Kwon admitted at his deposition in the presence of Dodd on April 14, 2011, that he had called Officer Delgadillo a "beaner," "senorita,"

at “wetback,” and stated “who the f... would have sex with a big-nosed Mexican like you?,” and “Once you go Black [referring to Sgt. Dowkin’s race], you never go back,” and that such remarks were a “poor choice.”

(78) Notwithstanding the foregoing, Tsukayama recommended exoneration of Kwon and Fernandez in her November 3, 2011, letter to Kealoha, and on the face of said letter appear the initials of Kealoha and his deputy Kajihiro under the words “Approved by;”

(79) Letters dated November 10, 2011, were sent to Kwon and Fernandez exonerating them from the First Race Discrimination Complaint (IA Investigation No. 08-0554);

(80) Tsukayama’s November 3, 2011, letter also stated that the June 30, 2011; report of Detective Gratz was “held in my office while I awaited guidance from the Department of Corporation Counsel relevant to the processing of matters that may have also been cited in litigation initiated by the complainant. I have since been instructed to continue normal processing of the report;”

(81) Scott Dodd, via his letter dated June 1, 2012, produced documents to Plaintiffs’ counsel which had not been produced in discovery in a timely

- fashion and which confirmed the City's whitewash of IA Investigation No. 09-0554 against Kwon and Fernandez;
- (82) The investigation of the First Race Discrimination Complaint, IA No. 08-0554, took over three years to complete, in violation of HPD's race discrimination policy;

E. Disputed Factual Issues.

Plaintiffs are unsure which of the above facts are deemed by Defendants to not have occurred, as they all are supported by documented evidence in the record. It is presumed that Defendants might also assert that the existence of said facts do not prove mal-intent and that they are merely coincidental and randomly coincide with the harm experienced by Plaintiffs, yet it is for the jury to decide what was in the minds of the command officers of the Honolulu Police Department and the individual Defendants when the above-described events occurred.

F. Relief Prayed.

Plaintiffs pray for damages for lost wages, loss of earning capacity, physical injury, pain and suffering, permanent impairment and disability, loss of household services, loss of enjoyment of life, punitive damages and statutory attorneys' fees, together with pre- and post-judgment interest and recoverable costs.

G. Points of Law.

None are presently disputed.

H. Previous Motions.

The following are all previous motions and the disposition thereof:

1. 06/11/10 Doc. 10 Plaintiffs' Motions to Admit Attorney Seth L. Goldstein, *Pro Hac Vice*: Affidavit in Support; Order Thereon(Court Filing Instruction included)

DENIED - Document 13 Filed 06/30/10
2. 07/09/10 Doc. 14 Plaintiffs' Amended Motion to Admit Attorney Seth L. Goldstein, *Pro Hac Vice*; Affidavit in Support (Court Filing Instruction included)

GRANTED AND ORDERED - Document 16 Filed 07/28/10
3. 09/01/10 Doc. 17 Unopposed Motion to File a Second Amended Complaint

WITHDRAWN - Document 30 Filed 10/15/10
4. 09/23/10 Doc. 21 Defendant's Motion for Partial Dismissal

PARTIALLY GRANTED AND PARTIALLY DENIED - Document 43 Filed 11/30/10
 - Court granted motion to dismiss Claims 3, 11, 12.
 - Also granted motion to dismiss Claim 13 against the City.
 - Denied portion of Claim 13 directed to individual defendants.
 - Claim 10 is dismissed to the extent it exerts claims by Delgadillo and Bennet-Bagorio.
 - Claim 10 brought by Dowkin is not dismissed.
 - Court denied motion to dismiss Claim 8 against Lieutenant Kwon, Sergeant Fernandez, and the city.

- Dismisses Claim 8 against other Defendants.

5. 11/24/10 Doc. 41 Motion for Preliminary Injunction

STIPULATION AND ORDER - Document 81 Filed 01/13/11

6. 01/10/11 Doc. 62 City Defendants' Motion to Strike and Objection to Argument and Non-Video Evidence Submitted in Plaintiffs' Preliminary Injunction Hearing Disclosures, Amended Preliminary Injunction Hearing Disclosures, and Reply to Opposition to Motion for Preliminary Injunction, or in the alternative, to Continue Hearing on Plaintiffs' Motion for Preliminary Injunction

CONTINUATION DENIED - Document 65 Filed 01/11/11

7. 5/10/11 Doc. 115 Stipulated Motion to Extend all Deadlines Including Trial Date, and for Entry of an Amended Scheduling Order

GRANTED - Document 121 Filed 05/13/11

(Order Extending All Deadlines, Including Trial Date, and for Entry of an Amended Scheduling Order)

8. 5/11/11 Doc. 119 Plaintiffs' Motion for Leave to File a Second Amended Complaint

GRANTED - Document 138 Filed 06/21/11

9. 5/19/11 Doc. 124 City Defendants' Motion to Trifurcate Case; Deceleration of D. Scott Dodd; Exhibits "A" - "D"; - Certificate of Service

DENIED - Document 140 Filed 06/30/11

10. 7/08/11 Doc. 145 City Defendants Motion to Dismiss Second Amended Complaint Files June 24, 2011, Pursuant to FRCP, Rule 12(b)(6); Memorandum in Support of Motion ; Declaration of D. Scott Dodd; Exhibit "A"; Certificate of Service

PARTIALLY GRANTED AND PARTIALLY DENIED -
Document 167 Filed 09/02/11

11. 7/15/11 Doc. 149 City Defendants' Objections to Magistrate Puglisi's June 30, 2011 Order Denying Defendants' Motion to Trifurcate Case; Memorandum in Support of Objection; Certificate of Service

DENIED - Document 153 Filed 07/22/11
(Order Affirming Magistrate Judge's Order Denying City Defendants' Motion to Trifurcate Case)

12. 8/11/11 Doc. 155 Plaintiffs' Unopposed Motion for Extension of Time Within Which to File Response to Defendants' Motion to Dismiss Second Amended Complaint; Exhibit "A"; Plaintiffs' Memorandum in Opposition to City Defendants Motion to Dismiss Second Amended Complaint; Exhibit B

GRANTED - Document 156 Filed 08/12/11

13. 9/28/11 Doc. 169 Notice of Motion - Plaintiffs' Motion to Reconsider Order of Sept. 2, 2011

GRANTED - Document 185 Filed 10/24/11
(Order Granting Alternative Relief Sought in Motion to Reconsider Dismissal of Count VIII (Civil Conspiracy))

14. 9/29/11 Doc. 170 First Amended Notice of Plaintiffs' Motion to Reconsider Order of Sept. 2, 2011; Memorandum in Support; Certificate of Service

GRANTED - Document 186 Filed 10/27/11
(Amended Order Granting Alternative Relief Sought in Motion to Reconsider Dismissal of Count VIII (Civil Conspiracy))

15. 11/06/11 Doc. 189 Stipulated Motion to Extend Certain Deadlines, answer for Entry of an Amended Scheduling Order

GRANTED - Document 192 Filed 11/08/11
(Order Granting Stipulated Motion to Extend Certain Deadlines and for Entry of an Amended Scheduling Order; Amended Rule 16 Scheduling Order)

16. 11/15/11 Doc. 194 Unopposed Motion to Extend Time to File Third Amended Complaint from Nov. 16, 2011 to Nov. 28, 2011

GRANTED - Document 192 Filed 11/16/11

17. 11/28/11 Doc. 200 Plaintiffs' Motion for Leave to File Third Amended Complaint; Exhibit "A", Third Amended Complaint

DENIED - Document 201 Filed 11/29/11

GRANTED - Document 220 Filed 01/13/12
(Order Granting Plaintiffs' Motion for Leave to File a Third Amended Complaint)

18. 01/03/12 Doc. 217 Plaintiffs' Supplemental to Plaintiffs' Reply to City Defendants' Memorandum in Opposition to Plaintiffs' Motion for Leave to File a Third Amended Complaint Filed November 28, 2011, or in the Alternative, Motion for Leave to File Such Supplement

GRANTED - Document 218 Filed 01/04/12

(Granting Plaintiffs' Motion for Leave to File Supplement to Plaintiffs' Reply to City Defendants' Memorandum in Opposition to Plaintiffs' Motion for Leave to File a Third Amended Complaint)

19. 01/19/12 Doc. 222 Plaintiffs' Motion to Reconsider Order of November 23, 2011, Barring Depositions of Defendants Kealoha and Correa

DENIED - Document 224 Filed 02/22/12

(Order Denying as Premature Plaintiffs' Motion to Reconsider Order of November 23, 2011, Barring Depositions of Defendants Kealoha and Correa)

20. 01/20/12 Doc. 224 Request for Expedited Deposition of Plaintiffs' Motion to Reconsider Order of November 23, 2011, Barring Depositions of Defendants Kealoha and Correa

DENIED - Document 225 Filed 01/23/12

21. 02/06/12 Doc. 230 Stipulated Motion to Allow City Defendants an Extension of Time Within Which to File City Defendants' Response to Plaintiffs' Third Amended Complaint Filed January 17, 2012 and Plaintiffs' Motion to Reconsider Order of November 23, 2011 Barring Depositions of Defendants Kealoha and Correa

GRANTED - Document 231 Filed 02/06/12

22. 02/09/12 Doc. 233 Stipulated Motion To Allow City Defendants A Further Extension Of Time Within Which To File City Defendants Response To Plaintiffs' Third Amended Complaint F

GRANTED - Document 234 Filed 02/10/12

23. 02/21/12 Doc. 237 Defendants city and County of Honolulu, Former Chief of Police Boisse Correa, Current Chief of Police Louis Kealoha, Assistant Chief Michael Tamashiro, Major Kenneth Simmons, Major John McEntire, Captain Nyle Dolera, Lieutenant Michael Serrano, Lieutenant Dan Kwon, Lieutenant William Axed, Lieutenant Wayne Fernandez, Sergeant Ralston Tenneco, Officer Colby Hashimoto, Pat Ahloo's Motion for Partial Dismissal of Plaintiffs' Third Amended Complaint

GRANTED - Document 382 Filed 07/23/12
(Order Granting Defendants' Motion For Partial Dismissal Of Third Amended Complaint)

24. 03/08/12 Doc. 250 Plaintiffs' Expedited Motion For An Immediate Order Requiring Defendants' To Comply With The Stipulated Schedule Of Depositions Noticed For March 9, 12, 15 and 16

DENIED - Document 251 Filed 03/08/12

25. 03/14/12 Doc. 253 Plaintiffs' Second Expedited Motion For An Immediate Discovery Hearing And Order Requiring Defendants' To Comply With The Second Stipulated Schedule Of Depositions Of Named Defendants Noticed For March 15 and 16, 2012

PARTIALLY GRANTED AND PARTIALLY DENIED - Document 167 Filed 09/02/11

(Order issued in Docket 254. Court finds that an immediate discovery hearing and an expedited order are not warranted. Court construed motion 253 as a motion to compel the depositions of Defendant McEntire and Defendant Martinez. Motion will be decided without a hearing

pursuant to Local Rule 7.2(d), with briefing to be filed in accordance with Local Rule 7.4.)

26. 03/15/12 Doc. 255 Defendants City and County of Honolulu, Former Chief of Police Boisse Correa, Current Chief of Police Louis Kealoha, Assistant Chief Michael Tamashiro, Major Kenneth Simmons, Major John McEntire, Captain Nyle Delairea, Lieutenant Michael Serrano, Lieutenant Dan Kwon, Lieutenant William Ext, Lieutenant Wayne Fernandez, Sergeant Ralston Tenneco, Officer Colby Hashimoto, and Pat Ahloo's Motion for Protective Order

PARTIALLY GRANTED AND PARTIALLY DENIED -
Document 271 Filed 04/24/12

(Order (1) Granting in Part and Denying in Part Defendants' Motion For Protective Order; (2) Denying Remainder Of Plaintiffs' Expedited Motion For An Immediate Order Requiring Defendants' To Comply With The Stipulated Schedule Of Depositions Noticed For March 9, 12, 15 and 16; And (3) Granting In Part And Denying In Part Remainder Of Plaintiffs' Second Expedited Motion For An Immediate Discovery Hearing And Order Requiring Defendants To Comply with The Second Stipulated Schedule Of Depositions Of Named Defendants Noticed For March 15 and 16, 2012)

27. 04/19/12 Doc. 265 Plaintiffs' *Ex Parte* Motion To File Under Seal Plaintiffs' Motion For Leave To File A Fourth Amended Complaint

DENIED - Document 267 Filed 4/20/12

28. 04/19/12 Doc. 266 Plaintiffs' *Ex Parte* Motion To File Under Seal Plaintiffs' Response To Defendants' Motion For Partial Dismissal Of Plaintiffs' Third Amended Complaint

DENIED - Document 267 04/20/12

(Denial Without Prejudice [265] ex Parte Motion for Leave to File Plaintiffs ex Parte Motion to File under Seal Plaintiffs Motion for Leave to File a Fourth Amended Complaint and [266] ex Parte Motion for Leave to File Plaintiffs ex Parte Motion to File under Seal Plaintiffs Response to Defendants Motion for Partial Dismissal of Plaintiffs Third Amended Complaint. (No Document Attached))

29. 05/02/12 Doc. 274 Plaintiffs' Second *Ex Parte* Motion To File Under Seal Plaintiffs' Motion For Leave To File A Fourth Amended Complaint, But Only If The Court Deems Such To Be Necessary

GRANTED - Document 275 Filed 05/03/12

(Pursuant to Local Rule 83.12(b), the Court treats Plaintiffs' [274] Second MOTION to Seal Document Plaintiffs Second ex Parte Motion to File under Seal Plaintiffs Motion for Leave to File a Fourth Amended Complaint, but Only If the Court Deems Such to Be Necessary as a motion to file the matter publicly. Defendants shall have until May 9, 2012 to file and serve written objections, if any. If no written objections are filed within that period, the matter shall be publicly filed.)

30. 06/19/12 Doc. 307 Plaintiff's *Ex Parte* Motion For Ruling On Whether To File Under Seal Plaintiff's Motion For Leave To Supplement Their Reply To City Defendants' Memorandum In Opposition To Plaintiffs' Motion For Leave To File A Fourth Amended Complaint Filed May 10, 2012

DENIED - Document 328 06/28/12

(Order Denying Plaintiffs' Ex Parte Motion For Ruling On Whether To File Under Seal Plaintiffs' Motion For

Leave To Supplement Their Reply To City Defendants
Memorandum In Opposition To Plaintiffs' Motion For
Leave To File A Fourth Amended Complaint)

31. 06/20/12 Doc. 318 Motion To Modify Rule 16 Scheduling Order

DENIED IN PART AND TAKEN UNDER ADVISEMENT IN
PART - Document 338 Filed 07/3/12

32. 06/20/12 Doc. 319 Motion To Modify Rule 16 Scheduling Order
(DUPLICATE FILING)

33. 06/22/12 Doc. 321 ERRATA, Exhibits Omitted from Declaration of
Seth Goldstein in Support of Motion to Modify Rule
16 Scheduling Order

34. 06/22/12 Doc. 324 Defendants City And County Of Honolulu, Former
Chief Of Police Boisse Correa, Current Chief Of
Police Louis Kealoha, Assistant Chief Michael
Tamashiro, Major Kenneth Simmons, Major John
McEntire, Captain Nyle Dolera, Lieutenant Michael
Serrano, Lieutenant Dan Kwon, Lieutenant William
Axed, Lieutenant Wayne Fernandez, Sergeant
Ralston Tenneco, Officer Colby Hashimoto, And Pat
Ah Loo's Motion For Order To Show Cause Why
Plaintiffs' Counsel Should Not Be Held In Contempt
Of Court For Violating Stipulated Protective Order
Dated October 28, 2011

DENIED - Document 387 Filed 08/09/12

35. 06/28/12 Doc. 329 Plaintiffs' MOTION for Leave to Supplement Their
Reply to City Defendants' Memorandum in
Opposition to Plaintiffs Motion for Leave to File a
Fourth Amended Complaint (SEALED). (No
Document Attached)

DENIED - Document 338 Filed 7/3/12

36. 07/02/12 Doc. 336 Amended Errata RE Plaintiff's Motion To Amend Rule 16 Scheduling Order Replacing ECF No. 321

DENIED AND ORDER - Document 338 filed 07/03/12

(Order (1) Denying Plaintiffs' Motion For Leave To File A Fourth Amended Complaint; (2) Denying Plaintiffs' Motion For Leave To Supplement Their Reply; (3) Denying In Part And Taking Under Advisement In Part Plaintiffs' Motion To Modify Rule 16 Scheduling Order; and (4) For Plaintiffs' Counsel To Show Cause Why They Did Not Violate FRCP 11(b))

37. 07/09/12 Doc. 343 Plaintiff's Motion For Sanctions Against Defendants and Their Counsel For Their Failure To Disclose Witnesses And Evidence In Violation Of Fed.R.CIV.P. 26(a)(1)© And Fed.R.CIV.P. 37(c)(1), Including Entry Of Default Judgment Against Defendants

DENIED - Document 413 Filed 9/28/12

38. 07/09/12 Doc. 344 Plaintiff's Motion To Extend The Limitation On The Number Of Depositions Allowed By FED.R.CIV.P. Rule 30(a)(2)(A)(I)

DENIED. Document 413 Filed 9/28/12

39. 07/09/12 Doc. 345 Plaintiffs' Motion For Issuance Of A New Scheduling Order Extending Discovery Deadlines And Limitations

DENIED AND ORDERED - Document 413 Filed 09/28/12

(Order (1) Denying Plaintiffs' Motion for Sanctions Against Defendants and Their Counsel for Failure to Disclose Witnesses and Evidence; (2) Denying Plaintiffs'

Motion to Extend the Limitation on the Number of Depositions; and (3) Granting in Part and Denying in Part Plaintiffs' Motion for Issuance of a New Scheduling Order)

40. 07/09/12 Doc. 346 Plaintiffs' Motion For Hearing Of Plaintiffs' Motions For Plaintiffs' Motion To Extend The Limitation On The Number Of Depositions Allowed By FED.R.CIV.P. Rule 30(a)(2)(A)(I); Plaintiffs' Motion For Issuance Of A New Scheduling Order Extending Discovery Deadlines And Limitations; And Plaintiffs' Motion For Sanctions Against Defendants And Their Counsel For Their Failure To Disclose Witnesses And Evidence In Violation Of FED.R.CIV.P. 26(a)(1)© And FED.R.CIV.P. 37(c)(1) Including Entry of Default Judgment Against Defendants On August 2, 2012

DENIED - Document 357 07/10/12

41. 07/15/12 Doc. 362 Motion For Extension Of Time To File Appeal Of Magistrate's Order Denying Plaintiff's Motion To File A Fourth Amended Complaint on July 3, 2012

DENIED - Document 365 filed 07/18/12

42. 07/20/12 Doc. 377 Plaintiffs' Motion For Continuance Of the Trial Date Of October 23, 2012

PARTIALLY GRANTED AND PARTIALLY DENIED - Document 388 Filed 08/09/12

(Order Granting In Part And Denying In Part Plaintiffs' Motion For Continuance Of The Trial Date Of October 23, 2012). No further explanation provided.

43. 09/11/12 Doc. 399 Defendants City and County Of Honolulu, Boisse Correa, Louis Kealoha, Michael Tamashiro, Kenneth

Simmons, John McEntire, Nyle Dolera, Michael Serrano, Dan Kwon, William Axed, Wayne Fernandez, Ralston Tenneco, Colby Hashimoto, And Pat Ah Loo's Motion To Withdraw As Counsel And Motion To Appoint Separate Successor Counsel For The Remaining City Defendants

GRANTED - Documents 402 filed 09/12/12
(Pursuant to Local Rule 7.2(b) the Court finds good cause to decide [399] Motion to Withdraw as Attorney and Motion to Appoint Separate Successor Counsel for the Remaining Defendants)

GRANTED - Documents 403 filed 09/12/12
(Amended: Pursuant to Local Rule 7.2(b) the Court finds good cause to decide [399] Motion to Withdraw as Attorney and Motion to Appoint Separate Successor Counsel for the Remaining Defendants on shortened time)

44. 09/24/2012 Doc. 410 Plaintiff's Motion For An Order Certifying The Court's Order Affirming Magistrate Judges' Order Denying Plaintiffs' Motion For Leave To File A Fourth Amended Complaint (ECF NO. 393) For An Interlocutory Appeal To The Ninth Circuit Court Of Appeals

DENIED - Document 412 Filed 09/25/12
(Order Denying Plaintiff's Motion Seeking Certification of the Order Denying Leave to File a Fourth Amended Complaint for an Interlocutory Appeal)

45. 10/01/12 Doc. 416 City Defendant's Motion To Extend Time For Compliance With Courts' September 28, 2012 Order Granting Motion To Withdraw As Counsel For Defendants

PARTIALLY GRANTED AND DENIED - Document 417
Filed 10/03/12

(Order Granting In Part And Denying In Part Defendant's Motion To Extend Time For Compliance With Court's September 28, 2012 Order Granting Motion To Withdraw As Counsel For Defendants. 1) COR's request for an extension of time to file its Declaration of Counsel is GRANTED. COR is given leave to file its Declaration of Counsel, in accordance with Local Rule 83.6(b), by October 15, 2012. (2) COR's request for an extension of time for its replacement counsel to file their Notices of Appearances until December 7, 2012 is DENIED. Said Notices of Appearances shall be filed and served by October 15, 2012. (3) COR's request to continue the March 5, 2013 trial date and all unexpired Rule 16 deadlines is DENIED.")

45. 10/09/12 Doc. 418 Plaintiffs' Appeal Of The Magistrate Judge's Order (ECF NO. 413) Denying Plaintiffs' Motion To Extend The Limitation On The Number of Depositions Allowed By Fed.R.CIV.P. Rule 30 (a)(2)(A)(I) Only to the Extent Of Requesting Leave To Take the Depositions of Chief Of Police Kealoha, Deputy Chief Kajihiro and EEO Officer Denise Tsukayama, In Order To Afford Plaintiffs Due Process and Enable Them to Adequately Prepare For Trial

DENIED - Document 437 Filed 11/9/12

(Order affirming Magistrate Judge's order denying Plaintiffs' Request to take 44 more Deposition re 418.)

46. 10/15/12 Doc. 419 City Defendant's Appeal of Magistrate Puglisi's October 3, 2012 Order Granting In Part And Denying In Part Defendants' Motion To Extend Time For Compliance With Court's September 28, 2012 Order Granting Motion To Withdraw as Counsel

DENIED - Document 430 filed 10/30/12.
(Clerk of the Court directed to terminate the appeal of 419.)

47. 11/05/12 Doc. 432 Motion For Sanctions Against The City and County of Honolulu, Office of Corporation Counsel, Pursuant To Rule 11(c), FED.R.CIV.P.
48. 11/06/12 Doc. 435 Plaintiffs' Motion To Exempt Discovery From The Court's Stay Order Dated October 30, 2012 (ECF NO. 430)

DENIED - Document 441 Filed 12/12/12
(Order Denying Plaintiff's Motion To Exempt Discovery From The Court's Stay Order Dated October 30, 2012)

49. 05/13/14 Doc. 452 Plaintiff's Motion to Lift The Courts' Stay Order Dated October 30, 2012 (ECF NO. 430)

GRANTED. Document 455 filed 5/14/14.

50. 5/29/14 Doc. 463 Defendant City and County of Honolulu's Motion to Stay Pending Resolution of 9th Circuit Appeal in Related Case

DENIED. Document 480 filed 9/30/14.

51. 08/26/2014 Doc. 472 MOTION for Joinder re [463] MOTION to Stay Pending Resolution of 9th Circuit Appeal

DENIED - Document 480 Filed 09/30/14
(Order Denying Defendant City and County of Honolulu's Motion to Stay Pending Resolution of 9th Circuit Appeal in Related Case)

52. 1/23/15 Doc. 487 Defendants City and County of Honolulu and Sergeant Ralston Tenneco's Motion for Partial

Summary Judgment Against Plaintiff Officer
Cassandra Bennett Huihui on the Sixth Cause of
Action of the Third Amended Complaint (Negligent
Infliction of Emotional Distress)

GRANTED - Document 615 Filed 05/01/15

((1) Granting Motion For Partial Summary Judgment
Against Plaintiff Officer Cassandra Bennett Huihui On The
Sixth Cause Of Action Of The Third Amended Complaint
(Negligent Infliction of Emotional Distress))

53. 1/23/15 Doc. 489 Defendants Sergeant Ralston Tenneco and Officer
Colby Hashimoto's Motion for Judgment on the
Pleadings Or, Alternatively, Motion for Partial
Summary Judgment on the Third Cause of Action of
the Third Amended Complaint (Claim under HRS §
378-2(3))

GRANTED - Document 615 Filed 05/01/15

((2) Granting Motion For Judgment On The Pleadings Or,
Alternatively, Motion For Partial Summary Judgment On
the Third Cause Of Action Of The Third Amended
Complaint)

54. 1/23/15 Doc. 491 Defendant Sergeant Ralston Tenneco's Motion for
Partial Summary Judgment on the Fifth Cause of
Action of the Third Amended Complaint (Intentional
Infliction of Emotional Distress)

PARTIALLY GRANTED - Document 615 Filed 05/01/15

((3) Granting In Part And Denying In Part Motions For
Partial Summary Judgment On The Fifth Cause Of Action
Of the Third Amended Complaint). No further explanation.

55. 1/23/15 Doc. 493 Defendant Officer Colby Hashimoto's Motion for
Partial Summary Judgment on the Fifth Cause of

Action of the Third Amended Complaint (Intentional Infliction of Emotional Distress)

PARTIALLY GRANTED - Document 615 Filed 05/01/15

((3) Granting In Part And Denying In Part Motions For Partial Summary Judgment On The Fifth Cause Of Action Of the Third Amended Complaint)

56. 02/24/2015 Doc. 512 Plaintiff's Motion to Compel Production of Documents and for *in Camera* Review; Memorandum in Support of Plaintiff's Motion to Compel Production of Documents and for *in Camera* Review; Declaration of Counsel; Certification of Compliance with Duty to Confer; Exhibit A

DENIED - Document 568 Filed 03/31/15

(Order Denying Plaintiff's Motion To Compel Production of Documents and For In Camera Review)

57. 02/27/2015 Doc. 519 Plaintiffs' Motion for Leave to Exceed the Number of Depositions by Oral Examination Allowed by Rule 30(a)(2)(A)(I) of the Federal Rules of Civil Procedure

DENIED - Document 569 Filed 04/06/15

(Order Denying Plaintiffs' Motion For Leave to Exceed The Number of Depositions By Oral Examination Allowed By Rule 30(a)(2)(A)(I) Of the Federal Rules of Civil Procedure)

58. 03/09/2015 Doc. 531 Defendants Lieutenant Dan Kwon and Sergeant Wayne Fernandez's Motion for Partial Summary Judgment Against Plaintiff Sergeant Shermon Dean Dowkin on the Sixth Cause of Action in the Third Amended Complaint

GRANTED - Document 692 Filed 06/18/15

(Order Granting Defendants' Motions For Summary Judgment and Joinder Thereto)

59. 03/09/2015 Doc. 533 Defendant Sergeant Wayne Fernandez's Motion for Partial Summary Judgment Against Plaintiff Officer Cassandra Bennett Huihui on the Fifth Cause of Action in the Third Amended Complaint

GRANTED - Document 692 Filed 06/18/15
(Order Granting Defendants' Motions For Summary Judgment and Joinder Thereto)

60. 03/10/2015 Doc. 536 Defendant City and County of Honolulu's Joinder to Defendants Sergeant Ralston Tenneco's and Officer Colby Hashimoto's Motion for Judgment on the Pleadings or, Alternatively, Motion for Partial Summary Judgment on the Third Cause of Action of the Third Amended Complaint; Certificate of Service

GRANTED - Document 615 Filed 05/01/15

61. 03/10/2015 Doc. 537 Defendant City and County of Honolulu's Joinder to Defendant Sergeant Ralston Tenneco's Motion For Partial Summary Judgment on the Fifth Cause of Action of the Third Amended Complaint; Certificate of Service

GRANTED - Document 615 Filed 05/01/15

62. 03/10/2015 Doc. 538 Defendant City and County of Honolulu's Joinder to Defendant Officer Colby Hashimoto's Motion for Partial Summary Judgment on the Fifth Cause of Action of the Third Amended Complaint; Certificate of Service

PARTIALLY GRANTED - Document 615 Filed 05/01/15.
(No further disposition.)

63. 03/10/2015 Doc. 539 Defendant City and County of Honolulu's Joinder to Lieutenant Dan Kwon and Sergeant Wayne Fernandez's Motion for Partial Summary Judgment on the Sixth Cause of Action of the Third Amended Complaint; Certificate of Service

GRANTED - Document 692 Filed 06/18/15
(Order Granting Defendants' Motions For Summary Judgment and Joinder Thereto)

64. 03/10/2015 Doc. 540 Defendant City and County of Honolulu's Joinder to Sergeant Wayne Fernandez's Motion for Partial Summary Judgment on the Fifth Cause of Action of the Third Amended Complaint; Certificate of Service

GRANTED - Document 692 Filed 06/18/15
(Order Granting Defendants' Motions For Summary Judgment and Joinder Thereto)

65. 03/11/2015 Doc. 546 Plaintiff's Motion for Leave to Exceed the Number of Depositions by Oral Examination allowed by Rule 30(a)(2)(A)(I) of the Federal Rules of Civil Procedure

(Docket Text: ADVISORY ENTRY – Doc. 546 terminated; Duplicate Filing)

66. 04/08/2015 Doc. 574 Defendant City and County of Honolulu's Renewed Motion To Stay Pending Resolution of Related Case

DENIED - Document 584 filed 4/10/15.

67. 04/08/2015 Doc. 575 Defendants Boisse Correa, Louis Kealoha, Michael Tamashiro, Kenneth Simmons, John McEntire, Nyle

Delairea, Michael Serrano, and Pat Ah Loo's Motion
For Certification and Entry of Final Judgment

DENIED - Document 585 Filed 04/13/15

(Order denying defendants Correa, Louis, Tamashiro, Simmons, Mcentire, Simmons, Delairea, Serrano, and Ah Loo's Motion for Certification and Entry of Final Judgment Pursuant to Rule 54(b), Fed. R. Civ. P. with Respect to the [#382] Order Granting Defendants' Motion for Partial Dismissal of Third Amended Complaint, Filed on July 23, 2012)

68. 04/08/2015 Doc. 576 Defendant City and County of Honolulu's Motion for Partial Summary Judgment Re: Punitive Damages

GRANTED - Document 711 Filed 07/10/15

((1) Granting Motion For Partial Summary Judgment Against Plaintiff's Sergeant Shermon Dean Dowkin, Officer Federico Delgadillo Martinez, Jr., and Officer Cassandra Bennett Huihui on Punitive Damages)

69. 04/08/2015 Doc. 578 Defendant City and County of Honolulu's Motion For Partial Summary Judgment Re: Fourth Cause of Action Of Third Amended Complaint (Negligent Training Negligent Retention, Failure to Report and Investigate)

GRANTED - Document 711 Filed 07/10/15

((2) Granting Motion For Partial Summary Judgment On The Fourth Cause Of Action Of The Third Amended Complaint (Negligent Training, Negligent Retention, Failure to Report and Investigate))

70. 04/08/2015 Doc. 580 Defendant City and County of Honolulu's Motion For Partial Summary Judgment Against Plaintiff Sergeant Shermon Dean Dowkin Re: Sixth Cause of

Action of Third Amended Complaint (Negligent Infliction of Emotional Distress)

PARTIALLY GRANTED - Document 711 Filed 07/10/15

((3) Granting Partial Summary Judgment Against Dowkin On The Sixth Cause of Action (Negligent Infliction Of Emotional Distress). No further explanation.

71. 04/15/2015 Doc. 586 Defendant Lieutenant William Axed's Motion For Partial Summary Judgment On The Fifth Cause of Action Of The Third Amended Complaint (Intentional Infliction of Emotional Distress)

GRANTED - Document 720 Filed 07/24/15

(Order Regarding Defendants' Motions For Summary Judgment and Joinders Thereto)

72. 04/15/2015 Doc. 588 Defendants Sergeant Ralston Tenneco and Officer Colby Hashimoto's Motion For Summary Judgment Regarding Punitive Damages And Any Other Outstanding Claims

PARTIALLY GRANTED - Document 720 Filed 07/24/15

(Order Regarding Defendants' Motions For Summary Judgment and Joinders Thereto). No further disposition.

73. 04/15/2015 Doc. 591 Defendants Lieutenant Dan Kwon and Sergeant Wayne Fernandez's Motion For Partial Summary Judgment Against All Plaintiffs On the Third Cause of Action in the Third Amended Complaint (Violations of the Hawaii Civil Rights LAW-HRS Section 378-2(3))

DENIED - Document 720 Filed 07/24/15

(Order Regarding Defendants' Motions For Summary Judgment and Joinders Thereto)

74. 04/15/2015 Doc. 593 Defendants Lieutenant Dan Kwon and Sergeant Wayne Fernandez's Motion for Summary Judgment As to Punitive Damages

DENIED - Document 720 Filed 07/24/15
(Order Regarding Defendants' Motions For Summary Judgment and Joinders Thereto)

75. 04/21/2015 Doc. 603 Defendant City and County of Honolulu's Joinder in [586] Defendant Lieutenant William Axed's Motion For Partial Summary Judgment On The Fifth Cause of Action Of The Third Amended Complaint; COS

GRANTED - Document 720 Filed 07/24/15
(Order Regarding Defendants' Motions For Summary Judgment and Joinders Thereto)

76. 04/21/2015 Doc. 604 Defendant City and County of Honolulu's Joinder in [588] Defendant Sergeant Ralston Tenneco and Officer Colby Hashimoto's Motion For Summary Judgment Regarding Punitive Damages and Any Other Outstanding Claims Filed April 15, 2015; COS

PARTIALLY GRANTED - Document 720 Filed 07/24/15
(Order Regarding Defendants' Motions For Summary Judgment and Joinders Thereto)

77. 04/21/2015 Doc 605 Defendant City and County of Honolulu's Joinder in [591] Defendant Lieutenant Dan Kwon and Sergeant Wayne Fernandez's Motion For Partial Summary Judgment Against All Plaintiff's On The Third Cause Of Action In The Third Amended Complaint; COS

DENIED - Document 720 Filed 07/24/15
(Order Regarding Defendants' Motions For Summary Judgment and Joinders Thereto)

78. 04/21/2015 Doc. 606 Defendant City and County of Honolulu's Joinder in [593] Defendants Lieutenant Dan Kwon and Sergeant Wayne Fernandez's Motion For Summary Judgment As to Punitive Damages Filed April 15, 2015; COS

DENIED - Document 720 Filed 07/24/15
(Order Regarding Defendants' Motions For Summary Judgment and Joinders Thereto)

79. 05/28/2015 Doc. 664 Plaintiffs' Motion To File Under Seal Exhibits To Plaintiff's Concise Statement of Facts In Support Of Plaintiff's Memorandum in Opposition to [ECF NO. 578]

DENIED - Document 670 Filed 06/04/15
(Court Order Denying Plaintiffs' Motion To File Under Seal Exhibits To Plaintiffs' Concise Statement Of Facts In Support of Plaintiff's Memorandum In Opposition to [ECF NO. 578])

80. 06/10/2015 Doc. 675 Plaintiff's Renewed Motion To File Under Seal Exhibits To Plaintiffs' Concise Statement Of Facts In Support Of Plaintiffs' Memorandum In Opposition To [ECF No. 578] Defendant City and County of Honolulu's Motion For Partial Summary Judgment Re: Fourth Cause of Action Of Third Amended Complaint (Negligent Training, Negligent Retention, Failure to Report And Investigate) [ECF NO. 651]

DENIED - Document 681 Filed 06/15/15
(Court Order Denying Plaintiff's Renewed Motion to File Under Seal Exhibits to Plaintiff's Concise Statement of Facts in Support of Plaintiffs' Memorandum in Opposition to [ECF No. 578])

81. 06/25/2015 Doc. 700 Plaintiffs' Motion To Strike Document [ECF NO. 699] Filed In Error

DENIED - Document 704 Filed 06/30/15

(Court Order Denying Plaintiffs' Motion to Strike Document [Ecf No. 699] Filed in Error)

82. 07/06/2015 Doc. 707 Defendant City and County of Honolulu's Motion For Leave To File Plaintiff's [699] Exhibits 1-7 Under Seal; Memorandum In Support Of Motion; Declaration of Richard F. Nakamura; Exhibits A-G; Proposed Order Granting Defendant City and County of Honolulu's Motion To For Leave To File Plaintiffs' [699] Exhibits 1-7 Under Seal; Certificate of Service

PARTIALLY GRANTED - Document 709 Filed 07/08/15

(Court Order Granting In Part And Denying In Part Defendant The City and County of Honolulu's Motion For Leave To File Plaintiffs' [699] Exhibits 1-7 Under Seal)

Doc. 710 filed 07/09/2015

SUBMISSION OF Exhibits 4 and 7 to [699] filed by City and County of Honolulu. SEALED BY ORDER OF THE COURT

83. 07/13/2015 Doc. 712 Plaintiff's Motion For Leave To Supplement [ECF NO. 688] Plaintiffs' Memorandum In Opposition To [ECF NO. 586] Defendant Lieutenant William Axed's Motion For Partial Summary Judgment On The Fifth Cause of Action Of The Third Amended Complaint (Intentional Infliction Of Emotional Distress) With Additional Affidavit of Shermon Dean Dowkin

DENIED - Document 715 Filed 07/14/15

(Court Order Denying Plaintiffs' Motion For Leave to Supplement [ECF NO. 688] Plaintiffs' Memorandum In Opposition To [ECF NO. 586] Defendant Lieutenant William Axed's Motion For Partial Summary Judgment On The Fifth Cause Of Action Of The Third Amended Complaint (Intentional Infliction Of Emotional Distress) With Additional Affidavit of Shermon Dean Dowkin)

84. 12/18/2015 Doc. 752 Defendant City and County of Honolulu's Motion To Stay Action

DENIED - Document 771 Filed 01/07/2016

(Order Denying Defendant City and County of Honolulu's Motion To Stay Action And The Remaining Defendants' Joinders Thereto)

85. 12/18/2015 Doc. 753 Ex Parte Motion To Shorten Time For Hearing On Defendant City and County of Honolulu's Motion To Stay Action

GRANTED AND ORDERED - Document 758 Filed 12/22/2015

(No Document Attached | Docket Text: EO: The Court GRANTS [753] Defendant City and County of Honolulu's Ex Parte Motion to Shorten Time for Hearing on [752] Defendant City and County of Honolulu's Motion to Stay Action and elects, pursuant to Local Rule 7.2(d), to decide [752] Defendant City and County of Honolulu's Motion to Stay Action without a hearing. Any opposition to [752] shall be filed by 12/31/2015; reply shall be filed by 1/4/2016.

86. 12/21/2015 Doc. 755 Defendants CH/Fernandez/Kwon/Tanaka/Kashimoto Motion To Modify Amended Rule 16 Scheduling Order Entered On 5/26/15 To Allow The Filing By Defendants of Their Joint: (1) Motion To Strike Certain Deposition Corrections Made By Dan Mongtomery; and (2) Motion To Strike Untimely Expert Reports Prepared By Patrick Mason, PhD

DENIED - Document 757 Filed 12/22/15

87. 12/21/2015 Doc. 756 Defendants
CCH/Fernandez/Kwon/Tanaka/Kashimoto Ex-Parte
Motion to Shorten Time To Hear Defendants Motion
To Modify Amended Rule 16 Scheduling Order
Entered On 5/26/15 To Allow The Filing By
Defendants of Their Joint: (1) Motion To Strike
Certain Deposition Corrections Made By Dan
Mongtomery; and (2) Motion To Strike Untimely
Expert Reports Prepared By Patrick Mason, PhD

DENIED - Document 757 Filed 12/22/15

(Order Denying Defendants

CCH/Fernandez/Kwon/Tanaka/Kashimoto Ex-Parte
Motion to Shorten Time To Hear Defendants Motion To
Modify Amended Rule 16 Scheduling Order Entered On
5/26/15 To Allow The Filing By Defendants of Their
Joint: (1) Motion To Strike Certain Deposition
Corrections Made By Dan Mongtomery; and (2) Moiton
To Strike Untimely Expert Reports Prepared By Patrick
Mason, PhD and Denying Defendants' Ex Parte Motion
To Shorten Time To Hear Said Motion)

88. 01/04/2016 Doc. 762 Plaintiff's Unopposed Belated and Conditional
Consent to Defendant City and County of Honolulu
Motion To Stay Action

WITHDRAWN – Document 763 Filed 01/05/2016

89. 01/05/2016 Doc. 764 Plaintiffs' Motion for Leave to File a Late
Memorandum In Opposition To Defendant City
and County of Honolulu's Motion To Stay Action
[752]

GRANTED – Document 765 Filed 01/05/2016

90. 01/07/2016 Doc. 770 Plaintiffs' Motion For Leave To File Surreply To
Defendant City and County of Honolulu's Reply

[769] To Defendant City and County of Honolulu's
Motion To Stay Action

DENIED – Document 772 Filed 01/07/2016

(No Document Attached | EO: In light of the Court's Order, ECF No. [771], Plaintiffs' Motion For Leave to File Sur-Reply [770] is DENIED as moot. It is so ordered)

I. Witnesses to be Called.

Except for impeachment or rebuttal, the following witnesses are likely to be called at trial:

1. Shermon Dean Dowkin

Plaintiff Shermon Dowkin will testify to Defendants' liability and his resulting damages suffered, consistent with the facts presented during his deposition and as reflected by all exhibits and expert reports.

2. Tina M. Dowkin

Mrs. Dowkin, Plaintiff Dowkin's spouse, will testify concerning Plaintiff Dowkin's injuries, damages and emotional distress and their effect on his life.

3. Cassandra Bennett-Huihui, formerly Bennett-Bagorio and aka Cassandra Huihui

Plaintiff Huihui will testify to Defendants' liability and her resulting damages suffered, consistent with the facts presented during her deposition and as reflected by all exhibits and expert reports.

4. Eliot K. Huihui

Mr. Huihui, Plaintiff Huihui's spouse, will testify concerning Plaintiff's injuries, damages and emotional distress and their effect on her life.

5. Federico Delgadillo-Martinez, aka Delgadillo

Plaintiff Delgadillo will testify to Defendants' liability and his resulting damages suffered, consistent with the facts presented during his deposition and as reflected by all exhibits and expert reports.

6. Susana C. Delgadillo

Mrs. Delgadillo, Plaintiff Delgadillo's spouse, will testify concerning Plaintiff's injuries, damages and emotional distress and their effect on Plaintiff Delgadillo's life.

7. Pat Ah Loo, HPD Labor Relations Specialist

Ah Loo will testify regarding Defendants' liability and/or Plaintiffs' resulting damages consistent with his deposition testimony, to include that Major Simmons wanted to disband the DUI Team in order to eliminate Sgt. Dowkin's overtime.

8. William Axt, HPD Assistant Chief

Axt will testify regarding Defendants' liability and/or Plaintiffs' resulting damages consistent with his deposition testimony, to include that he received no race discrimination training, that to order no cover would be "stupid, unsafe and unlawful," that Sgt. Dowkin had Sgt. Dowkin had accused him of escorting a speeder, that Axt referred to Dowkin as "lazy and disruptive," that Axt harbored prejudice against Dowkin, that Axt assigned Delgadillo to Kahuku in retaliation as punishment, that

Huihui was a “cash cow,” that he received no-cover complaints, that he was prejudiced against Dowkin and Delgadillo, especially Dowkin because had an “abrasive personality” and he was not a “local boy,” but that they did a “good job” and that Major Simmons wanted to disband the DUI Team in order to eliminate Sgt. Dowkin’s overtime.

9. Officer Dylan Steven Baker

Baker will testify regarding Defendants’ liability and/or Plaintiffs’ resulting damages consistent with his deposition testimony, to include that “cover was automatic” as a matter of “safety,” that the DUI Team was good for patrol and good for the public, that Dowkin was an “outstanding officer” and not “lazy or disruptive,” that Dowkin did not sleep on duty, that if Fernandez or Kwon ordered “no cover,” they should be terminated from the force, that “piggybacking” was necessary, that Delgadillo and Huihui were good officers, that backup cover is “policy.”

10. Major Susan Ballard

Ballard, a HPD commander and the head of HPD officer training, will testify regarding Defendants’ liability and/or Plaintiffs’ resulting damages consistent with her deposition testimony, to include that HPD’s race discrimination policy, was identical to HPD’s sexual harassment policy, that a race discrimination investigation must be completed in 5 days and the involved parties immediately separated (don’t leave the victim supervised by the alleged perpetrator), that Sgt. Dowkin’s race discrimination

complaint was also related to the disbandment of the DUI Team, that a perpetrator should not be permitted to evaluate the performance of his alleged victim, that Defendant Tanaka should have ordered cover for Plaintiff Huihui at Porky's Bar, and that Kashimoto's slow roll to Dowkin and Tanaka's failure to cover Huihui at Porky's Bar in October of 2010 were "two train wrecks in a week."

11. Officer David Boesing

Boesing will testify regarding Defendants' liability and/or Plaintiffs' resulting damages consistent with his deposition testimony, to include that he had never received any race discrimination training in 21 years of service with HPD, that Dowkin's performance was "outstanding," that Dowkin complained about no cover, that Dowkin said Fernandez ordered that the DUI Team not receive cover from patrol, that at an officers' meeting, Kwon wanted to disband the DUI but no one else agreed (Kwon wanted to give Dowkin a "punch in the nose" by disbanding the DUI Team), that "troublemakers" are always assigned to Kahuku.

12. Officer Yvonne Bolton

Bolton will testify regarding Defendants' liability and/or Plaintiffs' resulting damages.

13. Officer Antonio Bustamante

Bustamante will testify regarding Defendants' liability and/or Plaintiffs' resulting damages consistent with his deposition testimony, to include that he was

allowed to mount his blue light bar on his personal vehicle while off duty, that the first officer on the scene is “contact,” that he was a training instructor.

14. Former Chief Boisse Correa

Correa will testify regarding Defendants’ liability and/or Plaintiffs’ resulting damages consistent with his deposition testimony, to include that HPD’s training is that backup cover on traffic stops is “automatic,” that backup cover is a safety issue, that Correa was “responsible for the actions of the whole department,” that when sexual harassment or no backup cover alleged, parties should/could be separated, that sex discrimination policy is “almost parallel” to race discrimination policy, that a race and sex discrimination claim was made against him in 2005 by a Hispanic male, that the purpose of showing the Stan Cook was to emphasize the importance of mandatory backup cover, that mandatory backup cover was required in District 4, that he was not aware of the underlying facts of Plaintiffs’ multiple discrimination complaints over a period of a year and a half until he read the subject lawsuit after it was filed in 2010.

15. Officer Raymond Craig

Craig will testify regarding Defendants’ liability and/or Plaintiffs’ resulting damages consistent with his deposition testimony, to include that he was assigned to District 4 but had never received any race discrimination training in his 16 years with HPD, that he was a trainer and always understood and taught that backup cover was automatic and was policy, that Defendant Fernandez, on three or four separate

occasions, ordered District 4 patrol officers not to provide backup cover for the DUI Team, that such orders were contrary to HPD policy and put “lives in danger,” that Fernandez and Tanaka ordered no cover over the police radio, that Fernandez ordered District 4 patrol officers that no cover be provided to the DUI Team for many years and on multiple occasions, that, on one occasion, Fernandez had even ordered that backup cover for the DUI Team be cancelled on one occasion, that Fernandez ordered no cover, no transport and no assistance for the DUI Team.

16. Officer Robert Daclison

Daclison will testify regarding Defendants’ liability and/or Plaintiffs’ resulting damages, to include that Fernandez ordered District 4 Patrol Officers not to provide mandatory backup cover to the DUI Team and consistent with his statement to Carolyn Onaga of October 21, 2008.

17. Defendant Wayne Fernandez

Fernandez will testify regarding Defendants’ liability and/or Plaintiffs’ resulting damages consistent with his deposition testimony and the testimony of other witnesses in the case and consistent with all documents listed herein, to include his admission that most of his deposition testimony was not truthful.

18. Robert C. Godbey, Esq.

Godbey will testify regarding Defendants’ liability for the cover-up and spoliation of evidence and/or Plaintiffs’ resulting damages.

19. Detective Randall Gratz

Gratz will testify regarding Defendants' liability for the cover-up and spoliation of evidence and/or Plaintiffs' resulting damages.

20. Officer Cheryl Grimm

Grimm will testify regarding Defendants' liability and/or Plaintiffs' resulting damages consistent with her deposition testimony, to include that she supervised the HPD training division, that "making traffic stops is the most dangerous job," that officers should always provide cover, that the failure to provide cover "is a disease," that Tanaka, as the supervisor at Porky's Bar, was responsible to provide backup cover for Officer Huihui, that HPD did not provide race discrimination training to its officers, that the Plaintiffs were "iced out," that patrol was required to cover the DUI Team, that Dowkin "wasn't being covered appropriately," that Dowkin had stopped Fernandez's daughter for a traffic offense, that Huihui complained about Fernandez's no-cover order at lineup, that Fernandez was "insulted" by the establishment of the DUI Team, that Delgadillo was a good officer.

21. Officer Channing Hawkins

Hawkins will testify regarding Defendants' liability and/or Plaintiffs' resulting damages consistent with his deposition testimony, to include that Dowkin was a very good supervisor and the best DUI trainer, that Dowkin was not "disruptive," that backup cover is mandatory and a no-cover order is against HPD policy, that he was not

disciplined for mounting his blue light while off-duty, that an assignment to Kahuku was considered to be banishment, that the DUI Team better served the public than normal patrol.

22. Officer Yvonne Hernandez

Hernandez will testify regarding Defendants' liability and/or Plaintiffs' resulting damages, via excerpts from her deposition testimony of March 6, 2012, to include that she was personally belittled by Fernandez, that Fernandez ordered patrol officers at lineups to not provide backup cover to the DUI Team, that there was tension between Dowkin and Fernandez, that Kwon was personally disrespectful toward her, that Fernandez stated during a lineup that "Bennett's sick; she's afraid to do DUI's," that his comment was "inappropriate" and "disrespectful," that backup cover is mandatory.

23. Major Kerry Inouye

Inouye will testify regarding Defendants' liability and/or Plaintiffs' resulting damages.

24. Assistant Chief Dave Kajihiro

Kajihiro will testify regarding Defendants' liability and/or Plaintiffs' resulting damages and regarding his participation in the conspiracy to cover-up and spoliage evidence in order to whitewash the suspension of Kwon.

25. Defendant Colby Kashimoto

Kashimoto will testify regarding Defendants' liability and/or Plaintiffs' resulting damages consistent with his deposition testimony and the testimony of other witnesses in the case and consistent with all documents listed herein.

26. Chief of Police Louis Kealoha

Kealoha will testify regarding Defendants' liability and/or Plaintiffs' resulting damages and regarding his participation in the conspiracy to cover-up and spoliage evidence in order to whitewash the suspension of Kwon and discipline of Fernandez, which conspiracy involved City and County employees, including the lawyers named as defendants in the second lawsuit, the appeal of which is now pending before the Ninth Circuit. Kealoha will also testify regarding his interference with and/or cover up or spoliation of evidence in other legal proceedings, including those involving his family members, in order to impeach his credibility.

27. Officer Vernon Klienschmidt

Klienschmidt will testify regarding Defendants' liability and/or Plaintiffs' resulting damages consistent with his deposition testimony, to include that Fernandez ordered patrol not to piggyback for the DUI Team, that Officer Delgadillo was not "selling tamales," that Dowkin was not "lazy" or "disruptive," that Dowkin, Delgadillo and Huihui were excluded from off-duties activities among other patrol officers.

28. Officer Michael Kuroda

Kuroda will testify regarding Defendants' liability and/or Plaintiffs' resulting damages consistent with his deposition testimony, to include that Dolera prevented Kuroda from doing Dowkin's performance rating and instead having it done by Axt, Dowkin's previous supervisor, so that Axt could make negative comments about Dowkin, that Dowkin was a good supervisor and was not "disruptive," as alleged by Axt.

29. Defendant Dan Kwon

Kwon will testify regarding Defendants' liability and/or Plaintiffs' resulting damages consistent with his deposition testimony and the testimony of other witnesses in the case and consistent with all documents listed herein, to include that Dowkin had arrested Kwon's mother and had also issued her a speeding ticket, that Kwon had used racial slurs referring to Dowkin and Delgadillo, that he wanted to disband the DUI Team, that Kwon violated HPD's Standards of Conduct.

30. Major John McCarthy

McCarthy will testify regarding Defendants' liability and/or Plaintiffs' resulting damages consistent with his deposition testimony, to include that the investigation of a claim of race discrimination was to conducted identical to the sex harassment policy, that the parties to a race or gender discrimination complaint should be separated, that they "should be spread to the four corners of the earth," that Dowkin feared for retaliation and his job performance was adversely affected as a result.

31. Officer Carrie K. S. Okinaga

Okinaga will testify regarding Defendants' liability and/or Plaintiffs' resulting damages consistent with the testimony of other witnesses in the case and consistent with all documents listed herein.

32. Carolyn Onaga

Onaga will testify regarding Defendants' liability and/or Plaintiffs' resulting damages consistent with the testimony of other witnesses in the case and consistent with all documents listed herein.

33. Officer Benjamin Perez

Perez will testify regarding Defendants' liability and/or Plaintiffs' resulting damages, via excerpts from his deposition testimony of April 8, 2011, to include that Dowkin was a "by the book" officer, that Fernandez and Kwon told District 4 Patrol Officers not to provide backup cover to the DUI Team (which Perez was on at the time), that Perez was angry because such an order was inappropriate and in violation of HPD policy, that Perez told Kwon and Fernandez that their no-cover order was wrong, that Fernandez was upset that Dowkin answered to the Major and not to Fernandez or Kwon, that Fernandez thought Dowkin was "lazy."

34. Officer Michael Serrao

Serrao will testify regarding Defendants' liability and/or Plaintiffs' resulting damages consistent with his deposition testimony, to include that Dowkin was a good

supervisor and not disruptive, that he told Fernandez that patrol officers were not providing cover to the DUI Team, that the DUI Team was “kicking ass.”

35. Major Kenneth Simmons

Simmons will testify regarding Defendants’ liability and/or Plaintiffs’ resulting damages consistent with his deposition testimony, to include that backup cover was mandatory as a matter of safety, that the cure for piggybacking was not to reduce the DUI arrests, that Dowkin didn’t want to file a discrimination complaint, that he didn’t know how to respond to Dowkin’s race discrimination complaint, that his decision to disband the DUI Team was made after Dowkin made his race discrimination complaint, that he agrees with Chief Correa’s order that sergeants and lieutenants should provide backup cover to insure that officers are safe, that he didn’t investigate Dowkin’s complaint, that he was sort of concerned about Dowkin’s and Delgadillo’s safety, that he agreed that Fernandez was guilty of piggybacking

36. Officer Ryan Tamashiro

Tamashiro will testify regarding Defendants’ liability and/or Plaintiffs’ resulting damages consistent with his deposition testimony, to include what happened at Porky’s Bar in October of 2010 when Officer Huihui was permanently disabled because Tanaka failed to ensure she had backup cover, that Officer Burger should have been ordered by Defendant Tanaka to provide backup cover to Officer Huihui when she entered Porky’s Bar, that Dowkin was not lazy nor disruptive.

37. Defendant Ralston Tanaka

Tanaka will testify will testify regarding Defendants' liability and/or Plaintiffs' resulting damages consistent with his deposition testimony and the testimony of other witnesses in the case and consistent with all documents listed herein, to include that he was responsible for Huihui's permanent disability, that he was angry because Huihui had sued him, that he told Huihui that he "hated that fuckin'" Officer Delgadillo, that he told Huihui after learning of the lawsuit that he would "attack her credibility," that Fernandez "had problems with Dowkin going way back," that Fernandez told him he "didn't like Dowkin," that Sgt. Dowkin was "honest," that Fernandez did not like Dowkin, that Huihui did not piggyback, that he didn't know if Dowkin was selling tamales, that he put Huihui at risk at Porky's Bar as a result of his command failure.

38. Denise Tsukayama

Tsukayama will testify regarding Defendants' liability and/or Plaintiffs' resulting damages consistent with the testimony of other witnesses in the case and consistent with all documents listed herein and regarding the conspiracy to cover-up and spoliage evidence by Kealoha and City and County lawyers.

39. Officer David Andrew Vasconcellos

Vasconcellos will testify regarding Defendants' liability and/or Plaintiffs' resulting damages consistent with his deposition testimony and with the testimony of other witnesses in the case, to include that backup cover was automatically required.

40. Officer Gregory Y.T. Young

Young will testify regarding Defendants' liability and/or Plaintiffs' resulting damages consistent with his deposition testimony, to include that Fernandez ordered patrol not to provide backup cover to the DUI Team, that Kwon was present and did not object to the order, that Fernandez had a "personal issue" against Dowkin, that HPD could not fully serve the public without the DUI Team, that Kwon told Delgadillo, after he was assigned to the DUI Team, "Once you go black, you never go back," that Kwon referred to Delgadillo as "beaner," that Kwon was talking to Fernandez and referred to Dowkin as "that goddamned fucking nigger," that Kwon yelled at Officer Huihui during lineup and viewed women as liabilities instead of assets, that Fernandez ordered patrol at lineups not to provide backup cover to the DUI Team, that Young objected to Fernandez's no-cover order, that Kwon ordered patrol officers not to cover the DUI Team, that Kwon's and Fernandez's comments and actions were motivated by racial discrimination against blacks, Hispanics (Mexicans) and women. That Kwon referred to white women as Charlie's Angels and "dumb blondes.

41. Ronald Gackle, M.D., Orthopedist

Dr. Gackle will testify regarding Plaintiff Bennett-Huihui's diagnosis, prognosis and damages consistent with the Kaiser's medical records and his deposition testimony.

42. Daniel Meier, Ph.D., Psychologist

Dr. Meier will testify regarding Plaintiff Bennett-Huihui's diagnosis, prognosis and damages consistent with Kaiser's medical records and his deposition testimony.

43. Alvin Murphy, M.D., Psychiatrist

Dr. Murphy will testify regarding Plaintiff Sergeant Dowkin's and Plaintiff Delgadillo's diagnoses, prognoses and causation consistent with his medical records and his deposition testimony.

44. Medical Records Custodian of Kaiser Permanente will provide testimony regarding and consistent with Plaintiffs' medical records.

45. Defendants' Rule 30(b)(6) representative(s) will testify concerning the subject matters listed in Plaintiffs' subpoena.

46. All other witnesses identified by Defendants.

47. Any necessary rebuttal witnesses.

J. Exhibits, Schedules and Summaries.

Except for impeachment or rebuttal, the following exhibits, schedules, summaries and videos are to be offered at trial:

1. To/From: Dated: 4/29/1999; To: R. Sambueno; From: W. Fernandez; Re: Shermom Dowkin's Nomination for the Mothers Against Drunk Driving Enforcement Award; Deposition of S. Dowkin Exhibit B; Date: 04/04/2011: (For the purpose of proving:) Plaintiff's character; admitted via (hereinafter "via") Defendant Fernandez.

2. IACP National Law Enforcement Policy Center Harassment and Discrimination: Originally Published: June 1990 and Revised: January 2002: Standard of Conduct; via stipulation or police chief expert.
3. HPD 405.24 Officer Safety Instructor Guide; Review Date: 10/04/2005: Standard of Conduct/HPD Policy; via stipulation or 30b6 witness.
4. HPD 405.24 Officer Safety Instructor Guide; Review Date: 10/04/2005; "Officer Safety Contact Cover" Policy; Deposition of A. Bustamante Exhibit 202; Date: 03/06/2012: Standard of Conduct/HPD Policy; via stipulation or 30b6 witness.
5. HPD Policy: Human Resources and Training; Sexual Harassment 01/01/2003; Policy Number 3.28; 4th Amended Complaint Exhibit 4: Standard of Conduct/HPD Policy; via stipulation or 30b6 witness.
6. Standards of Conduct of the HPD: 4th Amended Complaint Exhibit 3; C-01911: Standard of Conduct/HPD Policy; via stipulation or 30b6 witness.
7. Standards of Conduct of the HPD: Article I, VI, VII, VIII ; Standards; Dated: 01/01/2003; 4th Amended Complaint Exhibit 10: Standard of Conduct/HPD Policy; via stipulation or 30b6 witness.
8. HPD Officer Patches, color copy; Deposition of W. Axt; Exhibit 173; Dated: 12/22/2011: Standard of Conduct/HPD Policy/Retaliation against Delgadillo; via stipulation or 30b6 witness.
9. Typewritten Notes of William Axt; Deposition of W. Axt Exhibit 174; Dated: 12/22/2011: Impeachment; via stipulation or Axt.
10. HPD District 4 First Watch Duty Roster; Dated: 02/24/2008; Deposition of D. Kwon; Exhibit 133; Date: 04/14/2011: Impeachment; via stipulation or Kwon.
11. HPD District 4 Daily Work Assignment Roster; Dated: 03/02/2011; Deposition of D. Kwon Exhibit 134; Date: 04/14/2011: Impeachment; via stipulation or Kwon.
12. HPD District 4 Daily Work Assignment Roster; Deposition of K. Simmons Exhibit 149; Date: 04/18/2011: Impeachment; via stipulation or Simmons.

13. HPD Article 11 Nondiscrimination Policy: Standard of Conduct/HPD Policy; via stipulation or 30b6 witness.
14. HPD Notice No. 06-60: Dated: 07/20/2008; Implementation of the five/nine Work Schedule; Deposition of F. Delgadillo; Exhibit G; Date: 04/06/2011: Liability; via stipulation or Delgadillo.

15. HPD Equal Employment Opportunity Plan; April 2006 - April 2007; 4th Amended Complaint Exhibit 1: Standard of Conduct/HPD Policy; via stipulation or 30b6 witness.
16. Hawaii Police Officer Shooting Training Tape Video <https://www.youtube.com/watch?v=lqvFAoKK01E> (Officer Stan Cook Training Video): Liability/Standard of Conduct/HPD Policy; via stipulation or any Plaintiff or 30b6 witness.
17. Honolulu Police Department Officer Stan Cook going back to work <https://www.youtube.com/watch?v=wYx7sxuwGUA>: Liability/Standard of Conduct/HPD Policy; via stipulation or any Plaintiff or 30b6 witness.
18. Dowkin Cam Video: Date: 08/22/2008; No Cover: Liability; via Dowkin.
19. Dowkin Cam Video: Date: 03/15/2008; No Cover: Liability; via Dowkin.
20. Dowkin Cam Video: Date: 04/06/2008; No Cover: Liability; via Dowkin.
21. Dowkin Cam Video: Date: 03/26/2008; No Cover; No Transport For Rico: Liability; via Dowkin.
22. Dowkin Cam Video: No Cover From Sector 2 (Kailua) Eating At Zippy's: Liability; via Dowkin.
23. Dowkin Cam Video: No Cover; DUI/Excessive Speed/Reckless Driving: Liability; via Dowkin.
24. Dowkin Cam Video: No Cover; HamaKua Drive and Keolu Drive: Liability; via Dowkin.
25. Dowkin Cam Video: Date: 08/03/2008; No Cover: Liability; via Dowkin.
26. Dowkin Cam Video: Date: 08/21/2008; No Cover: Liability; via Dowkin.
27. Dowkin Cam Video: Date: 12/13/2006; No Cover: Liability; via Dowkin.
28. 4th Amended Complaint; ECF Doc. No. 283-1; Filed: 05/10/2012: Liability; via stipulation, 30b6 witness or Kealoha.
29. Monthly Comparison of DUI Arrest Statistics: February 2004: Liability; via 30b6 witness or Dowkin.

30. Memo: Dated: 04/07/2008; To: District 4 Commanders, Staff and Officers; From: K. Simmons; Subject: Who, What and How; Deposition of K. Simmons Exhibit 139; Dated: 04/18/2011: Liability/Standard of Conduct/HPD Policy; via any Plaintiff, Simmons or Kealoha.
31. Letter: Dated: 04/04/2001; Subject: Sexual Harassment Complaint IA-00-0388; From: L. Donohue, Chief of Police; To: Officer Cassandra Bennett-Bagorio; Liability; via Huihui.
32. HPD Policy Support Operations: Date: 01/01/2003; Policy Number 5.01; Complaints and Internal Investigations; 4th Amended Complaint Exhibit 10; Liability; Standard of Conduct/HPD Policy; via 30b6 witness or by stipulation.
33. Events Time Line for Case involving S. Dowkin and DUI Team; Dated: April-August, 2008; Deposition of K. Simmons Exhibit 143; Dated: 04/18/2011: Liability; via Simmons or Dowkin or by stipulation.
34. Email: Dated: 10/30/3003; From: S. Dowsett; To: S. Dowkin; G. Brown; J. Cheong; M. Correa; F. Kennard; C. Kimura; V. Kong; M. Moses; J. Perreira; D. Yuen; Subject: DUI Team: Liability; Standard of Conduct/HPD Policy; via Dowkin.
35. Email: Dated: 11/06/2003; From: S. Dowsett; To: S. Dowkin; M. Correa; C. Kimura; V. Kong; J. Perreira; Subject: Start-up of DUI Team: Background; Liability; via Dowkin.
36. Email: Dated: 11/07/2003; From: S. Dowsett; To: S. Dowkin; Subject FW: DUI Team; Original Message Sent: 11/07/2003; From: M. Correa; To: S. Dowsett; Subject: DUI Team: Background; Liability; via Dowkin.
37. Email: Dated: 11/10/2003; From: M. Correa; To: S. Dowkin; Subject: DUI Team: Liability; via Dowkin.
38. Email: Dated: 04/16/2004; From: S. Dowsett; To: S. Dowkin; Subject: DUI/Line Patrol: Liability; via Dowkin.
39. Shermon Dowkin Overtime Form: Dated: 08/06/2004; To: S. Dowsett; Note on bottom to Dowkin from Kwon thanking him for his To/From explaining need for overtime Dated: 8/14/2004: Liability; damages; via Dowkin.

40. District-4 Lieutenants' Meeting Minutes: Date: 10/19/2006: Liability; via Dowkin.
41. District-4 Lieutenants' Meeting Minutes: Date: 10/26/2006: Liability; via Dowkin.
42. Email: Dated: 12/13/2006; From: S. Dowkin; To: Dan Kwon; Subject: Re: DUI Team; Original Message Sent 12/13/2006; From: W. Fernandez; To: R. Tanaka; Subject: DUI: Liability; via Dowkin.
43. Weekly Enforcement Summary: Dated: 01/01/2007 - 03/30/2007; From: S. Dowkin; ND-00029: Liability; via Dowkin.
44. District 4 OVUII Stats: Dated: 2007-2007; ND-00030: Liability; via Dowkin.
45. To/From: To: J. Mizuo; From: S. Dowkin; Via: G. Lefcourt; Subject: OT Report Dated: 01/07-03/07; ND-00031: Liability; via Dowkin.
46. To/From: To: J. Mizuo; From: S. Dowkin; Via: G. Lefcourt; Subject: OT Report Dated: 01/06-12/06; ND-00032: Liability; via Dowkin.
47. Email: Dated: 02/21/2007; From: W. Fernandez; To: S. Dowkin; Subject: "DUI Transport" To/From: Dated: 03/30/2007; To: Major Mizuo; From: S. Dowkin; Subject: OVUII Team Productivity At A Glance; ND-00028: Liability; via Fernandez and Dowkin.
48. Email: Dated: 09/13/2007; From: N. Dolera; To: D. Kwon; Subject: Officer Clites: Liability; via Kwon.
49. To/From: Dated: 11/03/2007; To: N. Dolera; From: S. Dowkin; Subject: "Officer Safety Issues"; ND-00002-ND-00004: Liability; via Dowkin.
50. Email: Dated: 11/10/2007; To: S. Dowkin; From: N. Dolera; Subject: "To/From"; ND-00042: Liability; via Dowkin.
51. Email: Dated: 11/13/2007; From: D. Kwon; To: A. Milton; DS Baker; K. Chu; W. Fernandez; C. Grimm; C. Hawkins; E. Higa; D. Hironaka; T. Jones; R. Tanaka; E. Voeller; D. Yuen; cc: N. Dolera; L. Lawson; Subject: To all First Watch Supervisors; ND-00014: Liability; via Kwon.

52. Email: Dated: 11/29/2007; To: N. Dolera; From: S. Dowkin; Subject: X-Fer To TET; ND-00001: Liability; via Kwon.
53. HPD District 4 First Watch Duty Roster; Dated: 11/15/2007; ND-00009: Liability; via Dowkin.
54. HPD District 4 First Watch Duty Roster; Dated: 11/14/2007; ND-00010: Liability; via Dowkin.
55. HPD District 4 First Watch Duty Roster; Dated: 11/16/2007; ND-00011: Liability; via Dowkin.
56. Chief Boisse Correa Departmental Goals for 2008: Dated: 02/08/2008: Liability; via Correa or stipulation or 30b6 witness.
57. DUI Team Stats: Dated: 01/2008-8/16/2008; ND-00012: Liability/damages; via Dowkin.
58. Witness Notes: Dated: 03/26/2008; 3 pages in Spanish concerning Axt, Kwon, and Ah Loo; Deposition of F. Delgadillo Exhibit A; Date: 04/06/2011: Liability; via Delgadillo.
59. To/From: Dated: 01/09/2008; To: D. Kwon; From: S. Dowkin; Subject: "CANCELLING OF COVER": Liability; Standard of Conduct; via Dowkin.
60. To/From: Dated: 01/10/2008; To: S. Dowkin; From: D. Kwon; Subject: "Traffic Stop Cover for D-4 Traffic Enforcement Team.": Liability; via Dowkin.
61. HPD District-4 Lieutenants' Meeting Minutes: Dated: 5/29/2008; Kaneohe Police Station; KS-00098: Liability; via 30b6 or Kwon.
62. To/From: Acknowledged: 6/21/2008; To: S. Dowkin; From: S. Tamasaka; Subject: "DISCRIMINATION RETALIATION COMPLAINT IA#09-0293": Liability; via Dowkin.
63. HPD District-4 Lieutenants' Meeting Minutes: Date: 06/26/2008; Kaneohe Police Station; KS-00091: Liability; via Kwon.

64. HPD District-4 Lieutenants' Meeting Minutes: Date: 07/03/2008; Kaneohe Police Station; KS-00089: Liability; via Kwon.
65. HPD District-4 Lieutenants' Meeting Minutes: Date: 07/10/2008; Kaneohe Police Station; KS-00088: Liability; via Kwon.
66. HPD District-4 Lieutenants' Meeting Minutes: Date: 07/24/2008; Kaneohe Police Station: Liability; via Kwon.
67. HPD District-4 Lieutenants' Meeting Minutes: Date: 08/07/2008; Kaneohe Police Station; Deposition of K. Simmons Exhibit 143; Dated: 04/18/11; KS-00083: Liability; via Simmons or Kwon or 30b6 witness.
68. To/From: Dated: 07/09/2008; To: B. Correa; From: S. Dowkin; Subject: No Cover; ND-00035-ND-00036: Liability; via Correa or Dowkin.
69. To/From: Dated: 07/09/2008; To: K. Simmons; From: S. Dowkin; Subject: "No Cover": Liability; via Simmons or Dowkin.
70. To/From: Dated: 07/09/2008; To: W. Axt; From: S. Dowkin; Subject: Tardy Overtime Card; ND-00090-ND-00094: Liability; via Axt or Dowkin.
71. Email: Dated: 07/23/2008; To: S. Dowkin and F. Delgadillo; From: W. Axt; Subject: "ART Backfill for the Week of AUG 3rd-9th." Liability; via Dowkin or Delgadillo.
72. HPD District-4 Lieutenants' Meeting Minutes: Date: 08/18/2008; Kaneohe Police Station: Liability; via Kwon or 30b6 witness.
73. Email: Dated: 08/11/2008; From: L. Lawson; To: S. Dowkin; Subject: IN District Movements as of 08-24-08; KS-00005 to KS-00024: Liability; via Dowkin.
74. Email: Dated: 08/15/2008; From: W. Axt; To: F. Delgadillo; Subject: RE: 1st Watch Assignment; WAXT 122211: Liability; via Delgadillo.
75. Email: Dated: 08/21/2008; From: K. Simmons; To: W. Axt and Multiple Recipients; Subject: Wednesday Highlights; KS-00082: Liability; via Simmons or Axt.

76. HPD District-4 Support Units' Meeting Minutes: Date: 09/04/2008; Kaneohe Police Station: Liability; via Kwon.
77. HPD District-4 Lieutenants' Meeting Minutes; Date: 09/11/2008; Kaneohe Police Station: Liability; via Kwon.
78. Email: Dated: 09/09/2008; To: S. Dowkin; From: S. Dowsett; Subject: "HI!": Liability; via Dowkin.
79. HPD District-4 Support Units' Meeting Minutes: Dated: 09/04/2008; Kaneohe Police Station; Email Thread: Dates: 09/28/2008, 09/29/2008; To: M. Serrao; From: S. Dowkin; Subject: "Officer Safey Issue Issue" and forward From:, M. Serrao To: K. Simmons; Subject: "FW: Officer Safey Issue Issue" and response From: K. Simmons To: Multiple Recipients; Subject: "FW: Officer Safey Issue": Liability; via Dowkin or Simmons.
80. HPD District-4 Staff Meeting Minutes: Dated: 10/02/2008; Kaneohe Police Station; ND-00121-ND-00125: Liability; via Kwon or Simmons.
81. Email: Dated: 10/06/2008; From: M. Serrao; To: K. Ah Hoy; Subject: Overtime: Liability/damages; via Simmons.
82. To/From: Dated: 10/22/2008; From: S. Dowkin; To: N. Dolera; Subject: Late Overtime Card; C-02165: Liability; via Dowkin.
83. HPD District-4 Staff Meeting Minutes: Dated: 10/23/2008; Kaneohe Police Station: Liability; via Kwon.
84. To/From: Dated: 11/25/2008; To: M. Serrao; From: W. Axt; Subject: Tary Overtime Card from Officer Delgadillo; ND-00088-ND-00089: Liability; via Axt or Delgadillo.
85. Email: Dated: 12/04/2008; To: Multiple Recipients; From: M. Serrao; Subject: "FW: Wednesday Meeting Highlights and Other Issues": Liability; via Dowkin or Kwon.
86. HPD District-4 Support Units' Meeting Minutes: Dated: 11/06/2008; Kaneohe Police Station: Liability; via Kwon.
87. Blue Lights on Roofs: Dated: 01/01/2008; Photo's: Liability; via Dowkin or Delgadillo.

88. HPD Arrest Report: Dated: 06/07/2008; Report No. 08-212016; Audio: Liability; via Dowkin.
89. HPD Daily Attendance Report: Dated: 06/07/2008; D-4 Unit OVUII Enforcement Unit: Liability; via Dowkin.
90. To/From: Dated: 06/21/2008; From: S. Tamasaka; To: S. Dowkin; Subject: Discrimination Retaliation Complaint IA-09-0293; Audio: Liability; via Dowkin.
91. HPD Daily Attendance Report: Dated: 08/01/2008; D-4 Unit OVUII Enforcement Unit: Liability; via Dowkin.
92. HPD District-4 First Watch Duty Roster: Dated: 08/01/2008: Liability; Dowkin.
93. HPD District-4 DUI Team Daily Work Roster: Dated: 08/02/2008: Liability; via Dowkin.
94. HPD Arrest Report: Dated: 08/03/2008; Report No. 08-289234: Liability; via Dowkin.
95. To/From: Dated: 09/05/2008; To: S. Dowkin; From: C. Onaga; Complainant: K. Simmons Major RPB District-4; Audio: Liability; via Dowkin.
96. HPD District-4 First Watch Duty Roster: Dated: 10/11/2008: Liability; via Dowkin.
97. HPD Arrest Report: Dated: 11/13/2008; Report No. 08-424658. Liability; via Dowkin.
98. To/From: Dated: 02/18/2009; To: T. Grossi; From: N. Dolera; Subject: "ADMINISTRATIVE INVESTIGATION REQUEST"; ND-00015: Liability; via 30b6 witness or Dolera.
99. HPD Arrest Report: Dated: 03/13/2009; Report No. 09-092184: Liability; via Dowkin.
100. HPD Arrest Report: Dated: 05/06/2009; Report No. 09-132223: Liability; via Dowkin.

101. HPD Arrest Report: Dated: 05/06/2009; Report No. 09-163515: Liability; via Dowkin.
102. HPD Commanders Meeting Minutes: Dated: 05/06/2009: Liability; via 30b6 witness or Kwon.
103. HPD Arrest Report: Dated: 05/07/2009; Report No. 09-164912: Liability; via Dowkin.
104. HPD Arrest Report: Dated: 05/07/2009; Report No. 09-163603: Liability; via Dowkin.
105. HPD Arrest Report: Dated: 05/08/2009; Report No. 09-165056: Liability; via Dowkin.
106. HPD Arrest Report: Dated: 05/23/2009; Report No. 09-185079: Liability; via Dowkin.
107. HPD Arrest Report: Dated: 05/24/2009; Report No. 09-186443: Liability; via Dowkin.
108. HPD Arrest Report: Dated: 08/27/2009; Report No. 09-309498: Liability; via Dowkin.
109. HPD Arrest Report: Dated: 10/24/2009; Report No. 09-385296: Liability; via Dowkin.
110. HPD District-4 First Watch Duty Roster: Dated: 12/03/2009; Audio: Liability; via Dowkin.
111. Email: Dated: 02/14/2009; To: M. Serrao; From: W. Fernandez; Subject: EWA Beach Tamale Wagon; FW: To: K. Simmons; From: M. Serrao; Subject: EWA Beach Tamale Wagon; ND-00016: Liability; via Fernandez or Simmons.
112. Email: Dated: 02/18/2009; To: K. Simmons; From: N. Dolera; Subject: Tamales; ND-00017: Liability; via Simmons or Dolera.
113. Email: Dated: 04/16/2009; To: Multiple Recipients; From: M. Serrao; Subject: "FW: Command Meeting Highlights": Liability; via Kwon or Simmons or Dolera.

114. To/From: Dated: 04/22/2009; To: R. Sato; From: S. Dowkin; Subject: "Responses to IA Complaint 09-0132, Tamales Selling": Liability; via Dowkin.
115. To/From: Dated: 05/14/2009; To: K. Simmons; From: S. Dowkin; Subject: "PER-OFFICER FEDERICO DELGADILLO": Liability; via Dowkin.
116. To/From: Dated: 05/20/2009; To: S. Dowkin; From: J. McEntire; Subject: "Notification of Complaint": Liability; via Dowkin.
117. To/From: Acknowledged 05/21/2009; To: S. Dowkin; From: S. Tamasaka; Subject: "DISCRIMINATION RETALIATION COMPLAINT IA#09-0293": Liability; via Dowkin.
118. To/From: Dated: 05/23/2009; To: K. Simmons; From: M. Serrao; Subject: Officer Delgadillo Late OT Card-11-18-08; ND-00084: Liability; via Simmons or Delgadillo.
119. HPD Lieutenants Meeting; Dated: 06/12/2009; ND-00106: Liability; via Kwon.
120. HPD Lieutenants Meeting; Dated: 02/11/2010; ND-00126-ND-00129: Liability; via Kwon.
121. HPD Lieutenants Meeting; Dated: 11/12/2010; ND-00115: Liability; via Kwon.
122. HPD Lieutenants Meeting; Dated: 11/18/2010; ND-00107: Liability; via Kwon.
123. To/From: Dated: 09/23/2009; To: M. McCauley; From: J. Natividad; Subject: "Follow-up Regarding Meeting with Patrol Districts": Liability; via 30b6 witness or Simmons.
124. To/From: Dated: 11/09/2009; To: All District 4 Sergeants Assigned to Kailua; From: W. Axt; Subject: "District 4, Sector 1 & 2 Basic Expectations": Liability; via Axt.
125. To/From: Dated: 02/12/2010; To: W. Axt; From: S. Dowkin; Subject: "STAFF SHORTAGE": Liability; via Dowkin.
126. To/From: Dated: 3/29/2010; To: S. Dowkin; From: J. McEntire; Subject: "Disposition of Disciplinary Action IA09-0132": Liability; via Dowkin.

127. Letter: Dated: 08/11/2010; To: S. Dowkin; From: L. Kealoha; No Subject: Liability; via Kealoha or Dowkin.
128. HPD Performance Evaluation Report Dated: 09/07/2010; Shermon Dowkin: Liability/damages; via Dowkin.
129. To/From: Dated: 10/14/2010; To: J. McCarthy; From: S. Dowkin; Subject: "Slow Response-Cover/Back"; Audio File of Conversation; ND-00071-ND-00073: Liability; via Dowkin.
130. To/From: Dated: 11/12/2010; To: J. McCarthy; From: S. Dowkin; Subject: "HPD RETALIATION/FAILURE TO COVER": Liability; via Dowkin.
131. Plaintiff Sergeant Shermon Dean Dowkin's Affidavit and Supplementary Affidavit in Support of Plaintiffs' Motion for Preliminary Injunction; Dated: 11/24/2010 and 01/03/2011: Liability; via Dowkin.
132. Letter: Dated: 01/10/2011; To: S. Dowkin; From: K. Inouye: Liability; via Dowkin.
133. Note: To: Lt. Serrao; From: Sgt. Dowkin, not dated: Liability; via Dowkin.
134. Sexual Harassment Complaint: Dated: 09/27/2000; From: C. Bennett-Bagorio: Liability; via Huihui.
135. To/From: Dated: 02/20/2009; To: N. Dolera; From: C. Bennett-Bagorio; Re: "Work Environment": Liability; via Huihui.
136. HPD District 4 First Watch Duty Roster; Dated: 02/20/2009; ND-00055: Liability; via Dowkin.
137. Email: Dated: 02/24/2009; To: N. Dolera; From: C. Bennett-Bagorio; No Subject; ND-00063: Liability; via Huihui.
138. Email: Dated: 02/24/2009; To: C. Bennett-Bagorio; From: N. Dolera; Subject Response to No Subject; ND-00064-ND-00065: Liability; via Huihui.
139. To/From: Dated: 02/24/2009; To: K. Simmons; From: W. Axt; Subject: "INTOX CLASS JUSTIFICATION"; ND-00050-ND-00051: Liability; via Simmons or Axt.

140. Email: Dated: 02/25/2009; To: N. Dolera; From: C. Bennett-Bagorio; Subject: "FW: intox info"; ND-00066: Liability; via Huihui.
141. To/From: Dated: 03/02/2009; To: K. Simmons; From: N. Dolera; Subject: "RETALIATION COMPLAINT BY OFFICER BENNETT-BAGORIO"; ND-00045-ND-00048: Liability; via Huihui or Simmons or Dolera.
142. Email: Dated: 03/04/2009; To: C. Bennett-Bagorio; From: N. Dolera; Subject: "Retaliation complaint": Liability; via Huihui.
143. Cassandra Bennett-Bagorio's HPD Performance Evaluation Report: Dated: 04/23/2009: Liability/damages; via Huihui.
144. Cassandra Bennett-Bagorio's HPD Performance Evaluation Report: Dated: 04/23/2010: Liability/damages; via Huihui.
145. Email: Dated: 04/27/2009; To: C. Bennett- Bagorio; From: R. Sugimoto; Subject: "Performance Evaluation Report": Liability/damages; via Huihui.
146. To/From: Dated: 05/07/2009; To: J. Muzuo; From: C. Bennett-Bagorio; Re: "Performance Evaluation Report From: 4-24-08 to 4-23-09": Liability/damages; via Huihui.
147. Email: Dated: 05/09/2009 To: J. Muzuo; From: C. Bennett-Bagorio Subject: "Performance Evaluation Report From: 4-24-08 to 4-23-09": Liability/damages; via Huihui.
148. To/From: Dated: 5/29/2009; To: K. Simmons; From: Y. Bolton; Re: "Non-Retaliation Concerns": Liability; via Simmons or Bolton.
149. Email: Dated: 05/29/2009; To: K. Simmons; From: Y. Bolton; Subject: "FW: Retaliation Concerns": Liability; via Simmons or Bolton.
150. Email: Dated: 06/04/2009; To: R. Borges; From: W. Axt; Subject: "Intox Class & ART": Liability; via Axt or Huihui.
151. Email: Dated: 11/25/2009; To: C. Bennett-Bagorio; From: R. Gratz; Subject: "RE: re-interview/ concerns": Liability; via Huihui.

152. To/From: Dated: 10/15/2010; To: J. McCarthy; From: C. Bennett-Bagorio; Subject: "HPD Retaliation": Liability; via Huihui.
153. Incident Reports No.: 10-372893 and 10-363885; Dated: 10/18/2010; C. Bennett-Bagorio: Liability; via Huihui
154. To/From: Dated: 11/04/2010; To: J. McCarthy From: C. Bennett-Bagorio; Subject: "HPD Retaliation / No Cover resulting in Injury": Liability; via Huihui.
155. To/From: Dated: 11/11/2010; To: J. McCarthy; From: C. Bennett-Bagorio; Subject: "HPD Retaliation / Failure To Cover resulting in Injury": Liability; via Huihui.
156. Plaintiff Officer Cassandra Bennett-Bagorio's Affidavit and Supplementary Affidavit in Support of Plaintiffs' Motion for Preliminary Injunction; Dated: 11/24/2010 and 01/03/2011: Liability/Impeachment; via Huihui.
157. To/From: Dated: 02/07/2011; To: R. Kondo; From: C. Bennett-Bagorio; Subject: "PSO #11-0025": Liability; via Huihui.
158. To/From: Dated: 01/09/2008; To: D. Kwon; From: F. Delgadillo; Subject: "CANCELLATION OF COVER": Liability; via Kwon and Delgadillo.
159. To/From: Dated: 10/14/2008; To: F. Delgadillo; "From: C. Onaga; Subject: "CONFIDENTIALITY AND NON-RETALIATION": Liability; via Delgadillo.
160. Office of The Chief Of Police Control No. RPB09-B2; Dated: 02/12/2009; From: K. Simmons; Anonymous caller reported the following on 02/06/2009; Tamales for sale; C-00362-C-00363: Liability; via Delgadillo and Dowkin.
161. To/From: Dated: 04/28/2009; To: R. Sato; From: F. Delgadillo; Subject: "Responses to IA Complaint 09-0132, Tamales Selling": Liability; via Delgadillo and Dowkin.
162. To/From: Dated: 04/28/2009; To: F. Delgadillo; From: K. Simmons; Subject: "SUBSIDIZED VEHICLE BLUE LIGHT": Liability; via Delgadillo.

163. SHOPO Complaint: Dated: 05/14/2009; Grievant Name: Federico Delgadillo: Liability; via Delgadillo.
164. Email: Thread Dates: 05/22/2009, 05/27/2009; To: A. Nishida; From: F. Delgadillo; Subject: "Grievance for Evaluation 08...": Liability; via Delgadillo.
165. Email: Dated: 11/19/2009; To: Yvonne Bolton; From: Federico Delgadillo; Subject: "Racial discrimination Complaint": Liability; via Delgadillo.
166. Federico Delgadillo's HPD Performance Evaluation Report Dated: 02/18/2010: Liability/damages; via Delgadillo.
167. Letter: Dated: 04/07/2010; To: F. Delgadillo; From: K. Inouye: Liability; via Delgadillo.
168. Federico Delgadillo's Affidavit and Supplementary Affidavit in Support of Plaintiffs' Motion for Preliminary Injunction: Dated: 11/24/2010 and 01/03/2011: Liability/Impeachment; via Delgadillo.
169. HPD Standards of Conduct, January 1, 2003; 4th Amended Complaint Exhibit 3: Standard of Conduct/Liability; via 30b6 witness; Kealoha.
170. Office Of The Mayor, City and County of Honolulu Proclamation: Done this 10th day of March, 2000 in Honolulu, Hawaii; Jeremy Harris, Mayor: Standard of Conduct/Liability: via 30b6 witness and Kealoha.
171. HPD Information Notice: Dated: 08/26/2005; Issued by: B. Correa; Subject: "Conduct of Supervisory Personnel": Liability/Standard of Conduct; via Correa or Kealoha.
172. Email: Dated: 09/13/2007; To: D. Kwon; From: N. Dolera; Subject: "Officer Clites": Standard of Conduct/Liability; via Kwon or Dolera.
173. Email: Dated: 11/13/2007; To: Multiple Recipients; From: D. Kwon; No Subject: Liability; via Kwon.
174. HPD Information Notice District 4: Dated: 11/16/2007; Issued by: District 4 Administration; Distribution To: All Sectors; Titled: "Traffic Stop Safety and Cover Officers": Standard of Conduct/Policy/Liability; via 30b6 witness; Correa or Keahola.

175. To/From: Dated: 11/28/2007; From: D. Kwon; To: N. Dolera; Subject: Traffic Stop Coverage For DUI Team Officers; ND-00013: Liability/Standard of Conduct/HPD Policy; via Kwon or Dolera.
176. Sergeant Meeting: Date: 12/04/2007; Kaneohe State Conference Room; ND-00007-ND-00008: Liability; via Fernandez or Dowkin.
177. Officers Meeting: Dated: 12/18/2007; ND-00130-ND-00131: Liability/Standard of Conduct; via Kwon or Simmons.
178. To/From: Dated 12/30/2007; To: N. Dolera; From: C. Hawkins; Subject: Officers Meeting; ND-00132: Standard of Conduct/Liability; via Dolera or Hawkins.
179. Sergeant Meeting: Dated: 06/03/2008; ND-00111: Liability; via Fernandez.
180. Email: Dated: 07/31/2008; To: Multiple Recipients; From: W. Axt; Subject: "Chain of Command Change": Liability; via Axt.
181. Honolulu Police Department Information Notice: Dated: 08/07/2008; To: All District 4 Personnel; From: K. Simmons: Liability/Standard of Conduct; via Simmons or Dowkin.
182. Email: Dated: 11/13/2008; To: Multiple Recipients; From: K. Simmons; Subject: "Reminder - Officer Safety Concerns": Standard of Conduct/HPD Policy/Liability; via Simmons or Dowkin.
183. HPD D-4 Lieutenants' Meeting Minutes: Dated: 12/11/2008; Kaneohe Police Station: Liability; via Kwon.
184. To/From: Dated: 03/30/2009; From: P. Putzulu; To: K. Godsey; Subject: Race Discrimination Complaint, IA#-08-0554; HPD Document No. 303; Exhibit 2; C-03402: Liability; via 30b6 witness or Correa.
185. Letter: Dated: 03/30/2009; From: C. Onaga; To: T. Riera, EEOC Director; Re: Shermon Dowkin vs. City and County of Honolulu Police Department EEOC No. 486-2009-00067; 4th Amended Complaint Exhibit 28: Liability; via Onaga or Dowkin or 30b6 witness.

186. Letter: Dated: 03/30/2009; From: C. Onaga; To: T. Riera, EEOC Director; Re: Federico Delgadillo vs. City and County of Honolulu Police Department EEOC No. 486-2009-00066; 4th Amended Complaint Exhibit 29: Liability; via Onaga or Delgadillo or 30b6 witness.
187. To/From: Dated: 04/22/2009; To: R. Sato; From: S. Dowkin; Subject: IA Complaint 09-0132, Tamales Selling; 4th Amended Complaint Exhibit 37: Liability; via Dowkin.
188. To/From: Dated: 04/22/2009; To: N. Dolera; From: W. Fernandez; Subject: Performance Evaluation Report, Officer Cassandra Bennett-Bagorio; ND-00056-ND-00061: Liability/damages; via Fernandez, Dolera or Huihui
189. Calendar: Month of June 2009 Cassandra Bennett-Bagorio; ND-00062: Liability; via Huihui.
190. Form: Medical Return to Work 04/22/2009; From L. Kia, M.D., for F. Delgadillo: Liability/damages; via Delgadillo.
191. To/From: Dated: 04/28/2009; To: R. Sato; From: F. Delgadillo; Subject: Responses to IA Complaint 09-0132, Tamale Selling: Liability; via Delgadillo.
192. To/From: Dated: 05/11/2009; To: P. Putzulu; From: C. Onaga; Subject: Addendum To Race Discrimination Complaint-IA#08-0554; ECF Doc. No. 303 Exhibit 3;
193. ARB Routing List: Dated: 05/12/2009; From: K. Godsey; Case No. IA 08-0554 - Lieutenant Dan Kwon and Sergeant Wayne Fernandez; ECF Doc. No. 303 Exhibit 4; C-03400: Liability; via Kwon and Fernandez.
194. To/From: Date: 05/21/2009; To: S. Dowkin; From: J. McEntire; Subject: Discrimination Retaliation Complaint IA#09-0293: Liability; via Dowkin.
195. Email: Date: 06/22/2009; From: Y. Bolton; To: D. Tsukayama; Subject: Delgadillo EEOC Charges: Liability; via Bolton, Tsukayama or Delgadillo.
196. Email: Date: 06/22/2009; From: Y. Bolton; To: D. Tsukayama; Subject: Bennett-Bagorio EEOC Charge: Liability; via Bolton, Tsukayama or Huihui.

197. Email: Date: 07/03/2009; From: D. Tsukayama; To: J. McEntire; Subject: Delgadillo EEOC Response: Liability; via Bolton, Tsukayama or Huihui.
198. Letter: Date: 07/21/2009; From: K. Godsey; To: D. Kwon; Subject: Administrative Hearing; ECF Doc. No. 303 Exhibit 7; C-03395: Liability; via Kwon or 30b6 rep.
199. Letter: Date: 07/21/2009; From: K. Godsey; To: W. Fernandez; Subject: Administrative Hearing; ECF Doc. No. 303 Exhibit 5; C-03398: Liability; via Fernandez or 30b6 rep.
200. To/From: Date: 08/09/2009; To: K. Godsey; From: D. Kwon; Subject: Administrative Hearing Regarding IA No. 08-0554; ECF Doc. No. 303 Exhibit 8; C-03394: Liability; via Kwon or 30b6 rep.
201. To/From: Date: 08/14/2009; To: K. Godsey; From: W. Fernandez; Subject: Administrative Review Board Hearing 9-3-09; ECF Doc. No. 303 Exhibit 6; C-03397: Liability; via Fernandez or 30b6 rep.
202. To/From: Date: 09/03/2009; To: P. Putzulu; From: K. Godsey; Subject: Disciplinary Action-IA No. 08-0554 Lieutenant Dan Kwon and Sergeant Wayne Fernandez; ECF Doc. No. 303 Exhibit 9; C-03392: Liability; via Kwon or Fernandez or 30b6 rep.
203. Letter: Date: 09/10/2009; From: P. Putzulu; To: K. Nakamatsu, Attention: D. Tsukayama; Subject: Disciplinary Action IA#09-0293 Dolera; C-01056: Liability; via Dolera or Tsukayama.
204. Memo: Date: 09/23/2009; From: J. Natividad; Subject: Supervising Police Radio Dispatcher; Re: Cover: Liability; via Dowkin or 30b6 rep.
205. Letter: Date: 09/24/2009; From: K. Godsey; To: K. Nakamatsu Attention: D. Tsukayama; Subject: IA08-0554-Complaint Against Lieutenant Dan K. Kwon and Sergeant Wayne A. Fernandez; ECF Doc. No. 303 Exhibit 10; C-03391: Liability; via Kwon or Fernandez or 30b6 rep.
206. To/From: Dated: 10/09/2009; To: K. Simmons; From: Y. Bolton; Via: M. Tamashiro, D. Tatsuyama, J. McEntire, K. Inouye; Subject: F. Delgadillo, EEOC Charge No. 486-2009-00066/496-2009-00143 and S. Dowkin, EEOC

Charge No. 486-2009-00067/486-2009-00106; ND-00020-ND-00021: Liability; via Simmons or Bolton.

207. To/From: Date: 10/20/2009; To: Y. Bolton; From: K. Simmons; Subject: EEOC Charge for Delgadillo and Dowkin; KS-00303: Liability; via Simmons or Bolton.
208. To/From: Date: 10/20/2009; To: Y. Bolton; From: K. Simmons; Subject: Report answering questions from Colon at EEOC w/attachments: Liability; via Bolton, Simmons or 30b6 rep.
209. Email: Date: 10/22/2009; From: Y. Bolton; To: D. Tsukayama; Subject: Forwarding email from Simmons showing items provided to EEOC by Simmons: Liability; via Bolton, Tsukayama or Simmons or 30b6 rep.
210. Letter: Dated: 10/02/2009; From: R. Colon; To: Y. Bolton; Subject: F. Delgadillo EEOC Charge No. 486-2009-00066/496-2009-00143; ND-00022-ND-00024: Liability; via Bolton or 30b6 rep.
211. Letter: Dated: 10/02/2009; From: R. Colon; To: Y. Bolton; Subject: S. Dowkin EEOC Charge No. 486-2009-00067/486-2009-00106; ND-00025-ND-00027: Liability; via Bolton or 30b6 rep.
212. Email: Date: 10/29/2009; From: Y. Bolton; To: D. Tsukayama; Subject: Forwarding emails from Simmons re: reassignments (email thread), includes Reassignment Form & attendance records: Liability; via Bolton, Tsukayama or Simmons or 30b6 rep.
213. Email: Dated: 10/29/2009; From: Y. Bolton; To: K. Simmons; KS-00023 to KS-00024: Liability; via Bolton, Simmons or 30b6 rep.
214. Email: Date: 10/30/2009; From: D. Tsukayama; To: Y. Bolton; Subject: EEOC response for Dowkin & Delgadillo: Liability; via Tsukayama, Bolton or 30b6 rep.
215. Email: Date: 10/30/2009; From: Y. Bolton; To: D. Tsukayama; Subject: with revised version of EEOC response for Delgadillo w/attachments: Liability; via Bolton, Tsukayama or 30b6 rep.

216. Email: Date: 11/06/2009; From: Y. Bolton; To D. Tsukayama; Subject: D-4 OT Comparisons w/attachments. Liability; via Bolton or Tsukayama or 30b6 rep.
217. Letter: Date: 11/10/2009; City and County of Honolulu/Department of Human Resources; From: D. Tsukayama; To: P. Putzulu; Subject: IA08-0554-Complaint Against Lieutenant Dan H. Kwon and Sergeant Wayne A. Fernandez; C-02933: Liability; via Tsukayama or 30b6 rep.
218. Email: Date: 11/10/2009; From: Y. Bolton; To: D. Tsukayama; Subject: EEOC subpoena: Liability; via Bolton, Tsukayama or 30b6 rep.
219. Letter: Date: 11/10/2009; From: D. Tsukayama; To: Riera at EEOC: Liability; via Tsukayama or 30b6 rep.
220. Email: Date: 11/10/2009 - 11/11/2009; From: Y. Bolton; To: D. Tsukayama; Subject: ROI Review, Kwon and Fernandez; ECF Doc. No. 303 Exhibit 11; C-03390: Liability; via Bolton, Tsukayama or 30b6 rep.
221. Email: Date: 11/11/2009; From: D. Tsukayama; To: Y. Bolton; Subject: ROI Review Kwon Fernandez; ECF Doc. No. 303 Exhibit 12; C-03388: Liability; via Tsukayama, Bolton or 30b6 rep.
222. Email: Date: 11/11/2009 - 11/12/2009; From: Y. Bolton; To: D. Tsukayama; Subject: interim status EEOC re Delgadillo: Liability; via Bolton, Tsukayama or 30b6 rep.
223. Email: Date: 11/12/2009; From: Y. Bolton; To: D. Tsukayama; Subject: "bad news" Fernandez possible outside employment: Liability; via Bolton, Tsukayama or 30b6 rep.
224. Complaint: Filed: 02/11/2013; ECF Doc. No. 1: Impeachment; via 30b6 rep. or any Plaintiff.
225. First Amended Complaint: Filed: 02/20/2013; ECF Doc. No. 5: Impeachment, via 30b6 rep or any Plaintiff.

226. To/From: Date: 04/14/2010; From: D. Kwon; To: A. Bluemke; Via: R. Macadangdang; Subject: Administrative Investigation Involving Sergeant Shermon Dowkin; C-02150: Liability; via Kwon.
227. Letter: Dated: 04/29/2010; From: M. Bennett; To: D. Scott Dodd; Re: Sergeant Shermon Dean Dowkin, Officer Federico Delgadillo Martinez, Jr., and Officer Cassandra Bennett-Bagorio vs. The Honolulu Police Department, et. al.; 4th Amended Complaint; Exhibit 32; C-02952: Liability/Impeachment/Cover-up; via 30b6 rep.
228. Letter: Dated: 05/05/2010; City and County of Honolulu; Department of the Corporation Counsel; From: D. Scott Dodd; To: M. Bennett; Re: Civil No. 10-00087 SOM/LEK Dowkin, et al. v. The Honolulu Police Department, et al.; 4th Amended Complaint Exhibit 33; 4th Amended Complaint Exhibit C; C-02953: Liability/Impeachment/Cover-up; via 30b6 rep.
229. HPD Incident Report: No. 10-363885; Re: C. Bennett-Bagorio; C-00001; Liability; via Huihui.
230. HPD Incident Reports: No. 10-372893 and 10-372896; Re: C. Bennett-Bagorio (Porky's Bar); C-00132: Liability; via Tanaka, Huihui or 30b6 rep.
231. To/From: Date: 06/30/2010; From: R. Gratz; To: L. Kealoha; Subject: Race Discrimination Follow-up Report IA#08-0554; 4th Amended Complaint Exhibit 34 and Exhibit D; C-02896: Liability; via Gratz or Kealoha or 30b6 rep.
232. Honolulu Police Department Information Notice: Dated: 06/15/2010; issued by Communications Division for distribution to Patrol Districts, entitled "Cover Unit for Traffic Stop": Standard of Conduct/Liability/HPD Policy; via Kealoha or 30b6 rep.
233. D-4 Lieutenants' Meeting Minutes: Dated: 06/17/2010; Kaneohe Police Station: Liability; via Kwon or 30b6 rep.
234. To/From: Date: 11/14/2010; From: S. Dowkin; To: J. McCarthy; Subject: HPD RETALIATION/FAILURE TO COVER (Porky's Bar); C-02617; ND-00069-ND00070: Liability; via Dowkin.

235. To/From: Date: 11/15/2010; From: S. Ballard; To: K. Inouye; Subject: RETALIATION COMPLAINT FROM OFFICER BENNETT-BAGORIO; C-02766: Liability; via Susan Ballard or Huihui or 30b6 rep.
236. To/From: Date: 11/19/2010; From: S. Ballard; To: K. Inouye; Subject: RETALIATION COMPLAINT; C-02594: Liability; via Ballard.
237. Motion for Preliminary Injunction: ECF Doc. No. 41: Liability/Impeachment; via Kealoha, Dowkin or Huihui.
238. Plaintiffs Preliminary Injunction Hearing Disclosures: ECF Doc. No. 46: Liability; via Kealoha, Dowkin or Huihui.
239. Declaration of R. Tanaka: ECF Doc. No. 47-1: Liability/Impeachment; via Tanaka.
240. Declaration of Colby Kashimoto: ECF Doc. No. 47-2: Liability/Impeachment; via Kashimoto.
241. Declaration of Kenneth Simmons: ECF Doc. No. 78-5: Liability/Impeachment; via Simmons.
242. Amended Preliminary Injunction Hearing Disclosure: ECF Doc. No. 49: Liability/Impeachment; via Kealoha.
243. Plaintiffs' Reply to Memorandum in Opposition to Plaintiffs' Motion for Preliminary Injunction: Liability/Impeachment; via Kealoha.
244. Injunction: ECF Doc. No. 49: Liability/Impeachment; via Kealoha.
245. EEOC Charge of Discrimination: S. Dowkin; ECF Doc. 49-1: Liability; via Dowkin.
246. Declaration of R. Tanaka: ECF Doc. No. 49-2: Liability/Impeachment; via Defendant Tanaka or Kealoha.
247. Declaration of W. Axt: Preliminary Injunction ECF Doc. No. 78-1: Liability/Impeachment; via Axt or Kealoha.
248. Second Amended Complaint: ECF Doc. No. 94: Impeachment; via Kealoha.
249. Third Amended Complaint: ECF Doc. No. 221: Impeachment; via Kealoha.

250. Plaintiffs' Employment Discrimination Charges filed with the EEOC: Liability/Impeachment; via Kealoha and Plaintiffs.
251. EEOC File Documents, including all of Respondent's filings: Liability/Impeachment; via Kealoha and Plaintiffs.
252. EEOC Right-to-Sue Letters: Liability; via Plaintiffs.
253. Cassandra Bennett-Bagorio (Huihui): Photos of hair loss taken in May 2015: Damages; via Huihui.
254. Deposition of Shermon Dowkin and exhibits attached thereto: Liability/Impeachment of Defendants; via Dowkin.
255. Deposition of Cassandra Bennett-Bagorio and exhibits attached thereto: Liability/Impeachment of Defendants; via Dowkin.
256. Deposition of Federico Delgadillo: ECF Doc. No.303, Exhibit 14: Liability; via Delgadillo.
257. Deposition of David Boesing: All exhibits thereto; 4th Amended Complaint Exhibit 11: Liability/Impeachment; via Defendants.
258. Deposition of Raymond Craig: All exhibits thereto; 4th Amended Complaint Exhibit 8: Liability/Impeachment; via Defendants.
259. Deposition of Cheryl Grimm and exhibits attached thereto: Liability/Impeachment; via Defendants.
260. Deposition of Channing Hawkins and exhibits attached thereto: Liability/Impeachment; via Defendants.
261. Deposition of Michael Kuroda and exhibits attached thereto: Impeachment; via Defendants.
262. Deposition of Benjamin Perez and exhibits attached thereto: Liability/Impeachment; via Defendants.
263. Deposition of Dylan Steven Baker and exhibits attached thereto: Liability/Impeachment; via Defendants.

264. Deposition of Darius Evangelista and exhibits attached thereto: Liability/Impeachment; via Defendants.
265. Deposition of Leroy Meheula, Jr., and exhibits attached thereto: Liability/Impeachment; via Defendants.
266. Deposition of Ryan Tamashiro and exhibits attached thereto: Liability/Impeachment; via Defendants.
267. Deposition of Boisse Correa and exhibits attached thereto; 4th Amended Complaint Exhibit 36 and Exhibit G: Liability/Impeachment; via Correa.
268. Deposition of David Vasconcellos and exhibits attached thereto: Liability/Impeachment; via Defendants.
269. Deposition of Gregory Young and exhibits attached thereto; 4th Amended Complaint Exhibit 16 and Exhibit F: Liability/Impeachment; via Defendants.
270. Deposition of Dan Kwon and exhibits attached thereto; 4th Amended Complaint Exhibit 11 and Exhibit E: Liability/Impeachment; via Defendant Kwon.
271. Deposition of Nyle Dolera and exhibits attached thereto; Liability/Impeachment; via Defendants.
272. Deposition of Ralstan Tanaka and exhibits attached thereto: Liability/Impeachment; via Defendant Tanaka.
273. Deposition of Vernon Klienschmidt and exhibits attached thereto; Liability/Impeachment; via Defendants.
274. Deposition of Michael Serrao and exhibits attached thereto: Liability/Impeachment; via Defendants.
275. Deposition of Kenneth Simmons and exhibits attached thereto; 4th Amended Complaint Exhibit 22: Liability/Impeachment; via Defendants.
276. Deposition of Colby Kashimoto and exhibits attached thereto: Liability/Impeachment; via Defendant Kashimoto.

277. Deposition of William Axt and exhibits attached thereto; 4th Amended Complaint Exhibit 5: Liability/Impeachment; via Defendants.
278. Deposition of Susan Ballard and exhibits attached thereto; 4th Amended Complaint Exhibit 2 and Exhibit H: Liability/Impeachment; via Defendants.
279. Deposition of Pat Ah Loo and exhibits attached thereto: Liability/Impeachment; via Defendants.
280. Deposition of Antonio Bustamante and exhibits attached thereto: Liability/Impeachment; via Defendants.
281. Deposition of Yvonne Hernandez Gonzalez and exhibits attached thereto: Liability/Impeachment; via Defendants.
282. Deposition of John McEntire and exhibits attached thereto: Liability/Impeachment; via Defendants.
283. Email: Dated: 03/01/2011; To: Multiple Recipients; From: D. S. Eber; Subject: "FW: SPEED GRANT": Liability/Impeachment; via Defendants.
284. EEOC Notice: Dated: 11/19/2008; and Charge No. 486-2009-00067: S. Dowkin: Liability; via Dowkin.
285. City and County of Honolulu Police Department's Response to Shermom Dowkin's EEOC Charge No. 486-2009-00067; Dated: 03/30/2009: Liability; via Dowkin and 30b6 rep.
286. EEOC Notice: Dated: 12/05/2008; and Charge No. 486-2009-00106; S. Dowkin: Liability; via Dowkin and 30b6 rep.
287. City and County of Honolulu Police Department's Response to S. Dowkin's EEOC Charge No. 486-2009-00106; Dated: 06/12/2009: Liability; via Dowkin and 30b6 rep.
288. EEOC Interview Transcript: Dated: 09/04/2009; of S. Dowkin: Liability; via Dowkin.
289. EEOC Notice: Dated: 05/12/2009; and Charge No. 486-2009-00308; Dated: 04/28/2009; C. Bennett-Bagorio: Liability; via Huihui.

290. City and County of Honolulu Police Department's Response to C. Bennett-Bagorio's EEOC Charge No. 486-2009-00308: Dated 07/08/2009: Liability/Impeachment; via Kealoha and 30b6 rep.
291. EEOC Interview Transcript: Dated: 04/22/2009; C. Bennett-Bagorio: Liability/Impeachment; via Kealoha and 30b6 rep.
292. EEOC Notice: Dated: 11/19/2008; and Charge No. 486-2009-00066; Dated: 11/10/2008; F. Delgadillo: Liability/Impeachment; via Kealoha and 30b6 rep.
293. EEOC Notice: Dated: 01/26/2009; and Charge No. 486-2009-000143; Dated: 01/13/2009; F. Delgadillo: Liability/Impeachment; via Kealoha and 30b6 rep.
294. City and County of Honolulu Police Department's Response to F. Delgadillo's EEOC Charge No. 486-2009-00143; Dated: 03/30/2009: Liability/Impeachment; via Kealoha and 30b6 rep.
295. EEOC Notice: Dated: 05/26/2009; and Amended Charge No. 486-2009-00143; Dated: 05/15/2009; F. Delgadillo: Liability; via Delgadillo.
296. To/From: Dated: 05/16/2009; To: M. Serrao; From: F. Delgadillo: Subject: Tardy Overtime Card From 11/18/08; ND-00087: Liability; via Delgadillo.
297. Email: Dated: 05/18/2009; To: M. Serrao; From: K. Simmons; Subject: Scan from Xerox Work/Centre; Refer To/From Dated: 05/23/2009; Subject: Officer Delgadillo Late OT Card-11-18-08;ND-00085-ND-00086: Liability; via Simmons or Delgadillo.
298. City and County of Honolulu Police Department's Response to F. Delgadillo's EEOC Amended Charge No. 486-2009-000143: Dated: 07/06/2009: Liability; via Delgadillo and/or 30b6 rep.
299. EEOC Interview Transcript: Dated: 09/04/2009; Federico Delgadillo: Liability; via Delgadillo.
300. EEOC Interview Transcript: Dated: 11/04/2009; William Axt: Liability/Impeachment; via Axt.

301. EEOC Interview Transcript: Dated: 11/04/2009; Nyle Dolera: Liability/Impeachment; via Dolera.
302. EEOC Interview Transcript: Dated:11/04/2009; Wayne Fernandez: Liability/Impeachment; via Fernandez.
303. EEOC Interview Transcript: Dated: 11/04/2009; Dan Kwon: Liability/Impeachment; via Kwon.
304. EEOC Interview Transcript: Dated: 11/04/2009; Kenneth Simmons: Liability/Impeachment; via Simmons.
305. To/From: Dated: 03/22/2009; To: B. Correa; From: C. Onaga; Subject: "RACE DISCRIMINATION COMPLAINT IA#08-0554"; IA No. 08-0554; Complainant: K. Simmons; Accused: D. Kwon and W. Fernandez; Investigation Dated: 2008: Liability; via Correa or Onaga.
306. To/From: Dated: 08/07/2008; To: B. Correa; From: K. Simmons; Subject: "DISCRIMINATION COMPLAINT - SERGEANT SHERMON DOWKIN"; Additional Information: Dated: 10/20/2009; From: K. Simmons; ND-00033-ND-00034
307. IA Investigation Interview Transcript of Shermon Dowkin: IA No. 08-0554; Dated: 09/05/2008: Liability; via Correa or Simmons.
308. IA Investigation Interview Transcript of Federico Delgadillo: IA No. 08-0554; Dated: 10/14/2008: Liability; via Delgadillo.
309. Internal Complaint Form: Received: 11/08/2008; Complainant: K. Simmons; Accused: W. Fernandez; and; To/From: Dated:11/08/2008; To: C. Onaga; From: W. Fernandez; Subject: "Administrative Complaint, Sergeant Shermon Dowkin" with attachments; IA No. 08-0554; C-02208: Liability/Impeachment; via Simmons, Fernandez or Onaga.
310. Internal Complaint Form: Received: 11/13/2008; Complainant: K. Simmons; Accused: D. Kwon; and; IA Investigation Interview Transcript of Dan Kwon; IA No. 08-0554; Dated: 11/13/2008: Liability/Impeachment; via Simmons or Kwon.

311. Letter: Dated: 11/12/2008; From: M. Bennett; To: Scott D. Dodd: Liability/Impeachment; via 30b6 rep.
312. District 4 Staff Meeting: Dated: 11/13/2008: Liability; via Kwon and Fernandez.
313. IA Investigation Interview Transcript of Cassandra Bennett-Bagorio: IA No. 08-0554; Dated: 10/14/2008: Liability; via Huihui or Correa.
314. IA Investigation Interview Transcript of Colby Kashimoto: IA No. 08-0554; Dated: 10/16/2008: Liability/Impeachment; via Defendant Kashimoto.
315. IA Investigation Interview Transcript of Darius Evangelista: IA No. 08-0554; Dated: 10/16/2008: Liability/Impeachment; via Defendants, Correa and Kealoha.
316. IA Investigation Interview Transcript of Benjamin Perez: IA No. 08-0554; Dated: 10/16/2008: Liability/Impeachment; via Defendants, Correa and Kealoha.
317. IA Investigation Interview Transcript of Robert Daclison: IA No. 08-0554; Dated: 10/21/2008: Liability/Impeachment; via Defendants, Correa and Kealoha.
318. IA Investigation Interview Transcript of Ralstan Tanaka: IA No. 08-0554; Dated: 10/27/2008: Liability/Impeachment; via Defendants, Correa and Kealoha.
319. IA Investigation Interview Transcript of David Vasconellos: IA No. 08-0554; Dated: 10/27/2008: Liability/Impeachment; via Defendants, Correa and Kealoha.
320. IA Investigation Interview Transcript of William Axt: IA No. 08-0554; Dated: 10/29/2008: Liability/Impeachment; via Defendants, Correa and Kealoha.
321. IA Investigation Interview Transcript of David Boesing: IA No. 08-0554; Dated: 10/29/2008: Liability/Impeachment; via Defendants, Correa and Kealoha.

322. IA Investigation Interview Transcript of Kenneth Simmons: IA No. 08-0554; Dated: 10/30/2008: Liability/Impeachment; via Defendants, Correa and Kealoha.
323. IA Investigation Interview Transcript of Nyle Dolera: IA No. 08-0554; Dated: 10/30/2008: Liability/Impeachment; via Defendants, Dolera, Correa and Kealoha.
324. IA Investigation Interview Transcript of Dan Kwon: IA No. 08-0554; Dated: 11/13/2008: Liability/Impeachment; via Defendants, Correa and Kealoha.
325. IA Complaint Form: Received: 11/21/2008; Complainant: K.; Accused Officer: S. Dowkin: Liability/Impeachment; via Correa and Kealoha.
326. To/From: Dated: 08/10/2009; To: B. Correa; From: S. Tamasaka and R. Gratz; Subject: "COMPLAINT AGAINST CAPTAIN NYLE DOLERA; IA#09-0293; Complainant: S. Dowkin; Accused: N. Dolera: Liability/Impeachment; via Correa, Dolera and Kealoha.
327. IA Investigation Interview Transcript of Shermon Dowkin: IA No. 09-0293; Dated: 05/21/2009: Liability; via Dowkin, Correa or Kealoha.
328. Internal Complaint Form: Received: 05/04/2009; Complainant: J. McEntire; Accused: N. Dolera: Liability; via Dolera.
329. IA Investigation Interview Transcript of Nyle Dolera: IA No. 09-0293; Dated: 05/29/2009: Liability/Impeachment; via Dolera, Correa or Kealoha.
330. IA Investigation Interview Transcript of Kenneth Simmons: IA No. 09-0293; Dated: 06/03/2009: Liability/Impeachment; via Simmons, Correa or Kealoha.
331. IA Investigation Interview Transcript of William Axt: IA No. 09-0293; Dated: 06/25/2009: Liability/Impeachment; via Axt, Correa or Kealoha.
332. IA Investigation Interview Transcript of Vernon Kleinschmidt: IA No. 09-0293; Dated: 11/27/2009: Liability/Impeachment; via Defendants, Correa or Kealoha.
333. IA Investigation Interview Transcript of Nyle Dolera: IA No. 09-0293; Dated: 12/04/2009: Liability/Impeachment; via Dolera, Correa or Kealoha.

334. IA Investigation Interview Transcript of Dylan Baker: IA No. 09-0293; Dated: 12/15/2009: Liability/Impeachment; via Defendants, Correa or Kealoha.
335. IA Investigation Interview Transcript of Wayne Fernandez: IA No. 09-0293; Dated: 12/17/2009: Liability/Impeachment; via Fernandez, Defendants, Correa or Kealoha.
336. IA Investigation Interview Transcript of Ralstan Tanaka: IA No. 09-0293; Dated: 12/22/2009: Liability/Impeachment; via Tanaka, Defendants, Correa or Kealoha.
337. To/From: Date: 11/04/2010; From: C. Bennett-Bagorio; To: J. McCarthy; RE: HPD Retaliation/No Cover resulting in injury: Liability/damages; via Huihui or 30b6 rep.
338. To/From: Date: 12/16/2010; From: R. Nishibun; To: K. Inouye; Subject: Meeting with Sergeant Shermon Dowkin; C-02957: Liability; via Dowkin or 30b6 rep.
339. To/From: Dated: 12/16/2010; To: S. Ballard; From: K. Inouye; Subject: Allegations Of Retaliation in District 4; ND-00068: Liability; via Ballard.
340. ECF Doc. No. 69: Filed: 01/01/2011; Declaration of C. Bennett-Bagorio: Liability/Impeachment; via Defendants or Kealoha.
341. EEOC Intake Questionnaire of S. Dowkin: ECF Doc. No. 54-1: Filed: 01/04/2011: Liability; via Dowkin.
342. To/From: Date: 01/06/2011; From: R. Nishibun; To: C. Okimoto; Subject: RETALIATION INTERVIEW WITH OFFICER C. BENNETT-BAGORIO; C-02619: Liability; via Huihui.
343. To/From: Date: 01/07/2011; From: C. Okimoto; To: A. Bluemke; Subject: Retaliation Complaint; C-02622: Liability; via Huihui.
344. Declaration of William Axt: ECF Doc. No. 78-1: Filed: 01/12/2011: Liability/Impeachment; via Axt or Kealoha.
345. To/From: Date: 02/01/2011; From: C. Okimoto; To: A. Bluemke; Subject: Retaliation Complaint; C-02770: Liability; via 30b6 rep.

346. Internal Complaint Form: Date: 02/04/2011; PSO 11-0069; C-02680: Liability; via 30b6 rep.
347. Christopher Bartolon v. City and County of Honolulu Police Department, et al. Complaint No. CV-06 00176 SOM/LEK: Liability/Similar Transaction; via Correa.
348. Stipulation and Order: Dated: 01/13/2011: Liability; via Kealoha.
349. Email: Dated: 12/21/2011; To: M. Bennett; From: S. Dodd; Subject: "HPD Protective Order Coverage": Liability; via Kealoha.
350. HPD Performance Evaluation Report and Rating for Shermon Dowkin: Dated: 09/07/2010; Exhibit 156 and 156A WAXT 12/12/2011: Liability/damages; via Dowkin.
351. Honolulu Police Department Policy: Dated 01/01/2003; regarding Human Resources and Training: Attendance, Overtime, and Compensatory Time Reporting and Control: Standard of Conduct/HPD Policy/Liability; via 30b6 rep.
352. City and County of Honolulu Employee Performance Evaluation Worksheet for Shermon Dowkin: Dated: from 9/8/2009 to 9/7/2010: Liability/damages; via Dowkin.
353. Email: Dated: 11/9/2008; To: S. Dowkin; From: F. Delgadillo: Subject: "[SPAM] FW: 1st Watch assignment": Liability; via Dowkin or Delgadillo.
354. Honolulu Policy Department Policy: Dated: 01/01/2003; regarding Human Resources and Training: Investigative Awareness Training: Liability/Standard of Conduct/Policy; via 30b6 rep. or Ballard.
355. Documentation concerning Federico Delgadillo for overtime, comp time and tardy overtime cards: Damages; via Delgadillo.
356. To/From: Dated: 02/21/2010; To: W. Axt; From: M. Uchida; regarding Missed Annual Physical; Deposition of William Axt Exhibit 162; Date: 12/22/2011: Liability; via Axt.

357. To/From: Dated: 09/29/2009; To: W. Axt; From: R. Daclison; regarding Low Productivity for Week of 09-20-09 to 09-26-09; Deposition of William Axt Exhibit 163; Date: 12/22/2011: Liability; via Daclison or Axt.
358. To/From: Dated: 12/01/2009; To: W. Axt; From: A. Ostachuk; regarding Failure to Submit Overtime Card On Time; Deposition of William Axt Exhibit 164; Date: 12/22/2011: Liability; via Axt.
359. To/From: Dated: 09/13/2009; To: W. Axt; From: M. Burger; regarding Off-duty Traffic Stop; Deposition of William Axt Exhibit 165; Date: 12/22/2011: Liability; via Axt.
360. To/From: Dated: 06/04/2009; To: W. Axt; From: P. Stetser; regarding Submittal of Overtime Card for Radio Shop Repair Off Duty; Deposition of William Axt Exhibit 166; Date: 12/22/2011: Liability; via Axt.
361. To/From: Dated: 02/05/2008; To: N. Dolera; From: D. Mauricio; regarding Delinquent Leave E-Forms; Deposition of William Axt Exhibit 167; Date: 12/22/2011: Liability; via Axt.
362. To/From: Dated: 02/24/2009; To: K. Simmons; From: W. Axt; Subject: Intox Class Justification; Liability; via Axt.
363. Email: Dated: 06/04/2009; To: R. Borges; From: W. Axt; Subject: "Intox Class & ART": Liability; via Axt.
364. To/From: Dated: 02/12/2010; To: W. Axt; From: S. Dowkin; Subject: Staff Shortage: Liability; via Axt, Dowkin.
365. To/From: Dated: 04/15/2010; To: S. Ballard; From: P. Okamoto; regarding Incident on 04-02-10: Liability; via Ballard.
366. HPD Performance Evaluation Report for Shermon Dowkin: Dated: from 09-08-09 to 09-07-10; ND-00100: Liability; via Dowkin.
367. Honolulu Police Department Incident Reports Numbered: 07-007-359; 07-368-925; 08-314-853; 08-316-067; 08-304-221; 08-304-319; 08-305-433; 08-305-770; 08-312-130; 08-316-226; 09-238-384; 08-091-255; 08-099-627; 08-211-893; 08-099-651; 08-113-983; 08-114-032; 08-115-032; 08-069-965; 08-079-

- 049; 08-099-627; 08-125-629; 08-145-419; 08-211-909; 08-211-847; 10-372-893; 10-363-885: Liability; via Dowkin.
368. Email: Dated: 05/30/2009; To: W. Axt; From: S. Michael; Subject: "FW: Retaliation Concerns": Liability; via Axt.
369. To/From: Dated: 02/04/2011; From: C. Kashimoto; To: R. Kondo; Subject: PSO Internal Complaint #11-0025; C-02346: Liability; via Defendant Kashimoto.
370. To/From: Dated: 02/07/2011; From: C. Bennett-Bagorio; To: R. Kondo; Subject: NO COVER INCIDENT RESULTING IN INJURY; C-02676: Liability; via Huihui.
371. To/From: Dated: 02/17/2011; From: C. Bennett-Bagorio; To: R. Kondo; Subject PSO #11-0069 (re: Porky's Bar): Liability; via Huihui.
372. To/From: Dated: 02/20/2011; From: R. Tanaka; To: R. Kondo; PSO Complaint 11-0069; C-02686: Liability; via Defendant Tanaka.
373. C. Kashimoto's Response to First Request For Interrogatories: ECF Doc. No. 100: Filed: 04/12/2011: Liability/Impeachment; via Defendant Kashimoto.
374. K. Simmons Response to First Request For Interrogatories: ECF Doc. No. 99: Filed: 04/12/2011: Liability/Impeachment; via Simmons.
375. To/From: Dated: 05/05/2011; From: R. Kondo; To L. Kealoha; Subject Administrative Investigation involving Officer Colby Kashimoto; C-02321: Liability; via Kealoha.
376. To/From: Dated: 05/09/2011; From: R. Kondo; To: L. Kealoha; Subject Administrative Investigation Involving Sergeant Ralstan Tanaka and Officer Michael Burger; C-02648: Liability; via Kealoha.
377. Incident of Harassment by Wayne Fernandez 6-2-11: Dated: 06/12/2011; From C. Bennett-Bagorio: Liability; via Huihui.
378. To/From: Dated: 07/28/2011; From: D. Kajihiro; To: L. Kealoha; Subject Disciplinary Action-PSO No. 11-0069 Sergeant Ralstan Tanaka and Officer Michael Burger; C-02644: Liability; via Kealoha and Kajihiro and Defendant Tanaka.

379. To/From: Dated: 08/25/2011; From: D. Kajihiro; To: L. Kealoha; Subject Disciplinary Action-PSO No. 11-0025 Officer Colby Kashimoto; C-02319: Liability; via Kajihiro, Kealoha and Defendant Kashimoto.
380. To/From: Dated: 09/07/2011; From: K. Inyoue; To: C. Kashimoto; Subject Disposition of Disciplinary Action PSO 11-0025; C-02318: Liability; via Kashimoto and Kealoha.

To/From: Dated: 09/07/2011; From: K. Inyoue; To: M. Burger; Subject Disposition of Disciplinary Action PSO 11-0069; C-02643

381. : Liability; via Kealoha.
382. To/From: Dated: 09/07/2011; From: R. Tanaka; To: K. Inouye; Subject Disposition of Disciplinary Action PSO 11-0069; C-02642: Liability/Impeachment; via Defendant Tanaka.
383. To/From: Dated: 09/07/2011; From K. Inouye; To: R. Tanaka; Subject Disposition of Disciplinary Action PSO 11-0069; C-02642: Liability; via Tanaka and Kealoha.
384. Letter: City and County of Honolulu Department of Human Resources; Dated: 11/02/2011; From: D. Tsukayama; To: L. Kealoha; Subject IA-09-0335, Complaint by Officer C. Bennett-Bagorio Against Then Lieutenant W. Axt and Then Sergeant W. Fernandez: Liability; via Tsukayama, Kealoha and 30b6.
385. Letter: City and County of Honolulu Department of Human Resources; Dated: 11/03/2011; From: D. Tsukayama; To: L. Kealoha; Subject IA-09-0335, Complaint by Officer S. Dowkin Against Then Lieutenant D. Kwon and Then Sergeant W. Fernandez: Liability/Coverup; via Kealoha, Tsukayama and Kajihiro.
386. Letter: City and County of Honolulu Department of Human Resources; Dated: 11/03/2011; From: D. Tsukayama; To: L. Kealoha; Subject IA-08-0554, Complaint by Officer S. Dowkin Against Lieutenant D. Kwon and Then Sergeant W. Fernandez; 4th Amended Complaint Exhibit 21; C-02894: Liability/Coverup; via Kealoha, Tsukayama and Kajihiro.
387. Letter: City and County of Honolulu Police Department; Dated: 11/10/2011; From: C. Okimoto; To: W. Fernandez; Subject Disposition of Disciplinary Action, IA Case 08-0554; 4th Amended Complaint Exhibit 35; C-02893: Liability/Coverup; via Kealoha, Kajihiro and Tsukayama.
388. To/From: Dated: 11/10/2011; From: C. Okimoto; To: D. Kwon; Subject: Disposition of Disciplinary Action, IA Case No. 08-0554; C-02892: Liability/Coverup; via Kealoha, Kajihiro and Tsukayama.
389. Letter: Dated: 11/15/2011; From: L. Kealoha; To: F. Delgadillo; Re: Disposition of Professional Standards, Office Case No. 09-0132; 4th Amended

- Complaint Exhibit 13: Liability/Coverup; via Kealoha, Kajihiro and Tsukayama.
390. Email: Dated: 12/21/2011; From: S. Dodd; To: C. Bennett-Bagorio; Subject HPD Protective Order Coverage: Liability/Coverup; via Kealoha, Kajihiro and Tsukayama.
391. Email: Dated: 12/21/2011; From: C. Bennett-Bagorio; To: S. Dodd; Subject Dowkin v. City et al Deposition of W. Axt: Liability/Coverup; via Kealoha, Kajihiro and Tsukayama.
392. Email: Dated: 01/07/2012; From: H. Oliva; J. Asing (and others); Subject Commanders and Personnel Movements; re W. Axt retaliatory behavior: Liability/Impeachment; via Axt.
393. Expert Witness Declaration: Dated: 01/24/2012; Curtis J. Cope, Consultant; 4th Amended Complaint Exhibit 7: Impeachment; via Correa, Kealoha and Van Blaricom.
394. City Defendants' Memorandum In Opposition To Plaintiffs' Motion For Leave To File A Fourth Amended Complaint Filed May 10, 2012; Certificate of Service; ECF Doc. No. 289; Filed: 05/24/2012: Liability/Impeachment; via Kealoha.
395. Letter: City and County of Honolulu Department of The Corporation Counsel; Dated: 06/01/2012; From: D. Scott Dodd; To: M. Bennett; Re: USDC Hawaii Civil No. 10-CV-00087-SOM-RLP Dowkin, et al. v. Honolulu Police Department, et al.; Plaintiffs' Counsel enclosing inculpatory documents not previously disclosed. ECF No. 303 Exhibit 1; ECF Doc. No. 343-4 Exhibit D: Liability/Coverup; via Kealoha, Kajihiro and 30b6 rep.
396. Plaintiff's Reply to City Defendants' Memorandum In Opposition To Plaintiffs' Motion For Leave To File A Fourth Amended Complaint; Filed May 10, 2012; Certificate of Service; ECF Doc. No. 303; Filed: 06/07/2012: Liability/Coverup; via Kealoha, Kajihiro and 30b6 rep.

397. Plaintiffs' Ex Parte Motion For Ruling On Whether To File Under Seal Plaintiffs' Motion For Leave To Supplement Their Reply To City and Defendants' Memorandum In Opposition To Plaintiffs' Motion For Leave To File A Fourth Amended Complaint Filed May 10, 2012; Certificate of Service; ECF Doc. No. 308: Filed: 06/19/2012: Liability/Coverup; via Kealoha, Kajihiro and 30b6 rep.
398. ECF Doc. No. 343: Filed: 07/09/2012; Plaintiffs' Motion For Sanctions Against Defendants And Their Counsel For Their Failure To Disclose Witnesses and Evidence In Violation Of FED.R.CIV.P.26(a)(1)(C) and FED.R.CIV.P.37(c)(1), Including Entry Of Default Judgment Against Defendants: Liability/Coverup; via Kealoha, Kajihiro and 30b6 rep.
399. Letter: ECF Doc. No. 343-2 Filed 07/09/2012; Dated: 04/09/2012; From: S. Goldstein; To: D. Scott Dodd: Re: Sergeant Shermon Dean Dowkin, Officer Federico Delgadillo Martinez, Jr., and Officer Cassandra Bennett-Bagorio vs. The Honolulu Police Department, et al.; ECF Doc. No. 343-3 Exhibit C: Liability/Coverup; via Kealoha, Kajihiro and 30b6 rep.
400. H.R.S., Sec. 707-713; Reckless Endangering in the First Degree: Liability; via judicial notice.
401. H.R.S., Sec. 705-520; Criminal Conspiracy: Liability; via judicial notice.
402. Expert Report: Thomas A. Loudat, PhD, Economist; Dated: 11/29/2012; Re: Cassandra Bennett-Bagorio; and all exhibits attached thereto and documents referred to therein: Damages; via 30b6 rep.
403. Expert Report: Thomas A. Loudat, PhD, Economist; Dated: 11/29/2012; Re: Federico Delgadillo; and all exhibits attached thereto and documents referred to therein: Damages; via 30b6 rep.
404. Expert Report: Thomas A. Loudat, PhD, Economist; Dated: 11/29/2012; Re: Shermon Dowkin; and all exhibits attached thereto and documents referred to therein: Damages; via 30b6 rep.
405. Letter: Dated: 05/06/2015; Predetermination decision re termination of Huihui; Letter signed by L. Kealoha: Liability; via Kealoha and 30b6 rep.

406. CD File: Dated: 06/27/2015; Dan Montgomery's Deposition Exhibit B 000004: Liability; via Montgomery.
407. Additional Documents: Dated: 06/27/2015; Dan Montgomery Deposition Exhibit C 000005: Liability; via Montgomery.
408. Invoice: Dated: 06/27/2015; Services Rendered Dan Montgomery Exhibit D 000343: Liability; via Montgomery.
409. Additional Documents: Dated: 06/27/2015; Dan Montgomery Deposition Exhibit E 000345: Liability; via Montgomery.
410. CV: Dated: 06/27/2015; Dan Montgomery Deposition Exhibit F 000479: Liability; via Montgomery.
411. Letter: Dated: 03/11/2015; Dan Montgomery Deposition Exhibit G 000488: Liability; via Montgomery.
412. List: Pleadings Document Reviewed; Dated: 06/27/2015; Dan Montgomery Deposition Exhibit H 000520: Liability; via Montgomery.
413. List: Material Reviewed; Dated: 06/27/2015; Dan Montgomery Deposition Exhibit I 000532: Liability; via Montgomery.
414. Deposition Correction: Dated: 07/31/2015; Dan Montgomery Deposition Exhibit K 000001: Liability; via Montgomery.
415. Deposition Corrections: Dated July 29, 2015, and Dated August 6, 2015: Liability; via Montgomery.
416. List: Dated: 07/31/2015; Dan Montgomery Deposition Exhibit L 000009: Liability; via Montgomery.
417. Letter: Dated: 07/31/2015; Dan Montgomery Deposition Exhibit M 000011: Liability; via Montgomery.
418. Report: Dated: 07/31/2015; Dan Montgomery Deposition Exhibit Z 000076: Liability; via Montgomery.

419. Subpoena Duces Tecum: Dated: 06/29/2015; D.P. Van Blaricom Deposition Exhibit 1: Liability; via Van Blaricom.
420. Letter: Dated: 06/29/2015; From: D.P. Van Blaricom; To: Person Copying This File; D.P. Van Blaricom Exhibit 3: Liability; via Van Blaricom.
421. Report: Dated: 06/29/2015; From: D.P. Van Blaricom; Subject: Report of Defendants Police Practices Expert 05/18/2012; D.P. Van Blaricom Deposition Exhibit 4: Liability; via Van Blaricom.
422. Report: Dated: 06/29/2015; From: D.P. Van Blaricom; Subject Report of Defendants Police Practices Expert 05/18/2012 - Amended 08/13/2012 and 03/23/2015; D.P. Van Blaricom Deposition Exhibit 5: Liability; via Van Blaricom.
423. Report: Dated: 06/29/2015; From: D.P. Van Blaricom; Subject: Report of Defendants Police Practices Expert 05/18/2012 - Amended 08/13/2012 and 03/23/2015; D.P. Van Blaricom Deposition Exhibit 5 and Exhibit 6: Liability; via Van Blaricom.
424. Ancestry DNA Ethnicity Estimate For Wayne August Fernandez: Dated: 07/09/2015: Impeachment/Liability; via Fernandez.
425. Article: Section 6-1112. Prohibitions; From: D.P. Van Blaricom; D.P. Van Blaricom Deposition Exhibit 16; C-01908: Liability; via Van Blaricom.
426. State Employee Retirement System (ERS) Service Connected Disability Retirement documentation regarding Plaintiffs: Damages; via Patrick Mason, Ph.D.
427. Patrick Mason, Ph.D., expert reports for all Plaintiffs dated October 29, 2012, and June 9, 2015, with all exhibits thereto and all references therein regarding each Plaintiff: Damages; via Dr. Mason.
428. All Medical Records and/or bills of Plaintiff Huihui's treating providers, Kaiser Permanente, Dr. Daniel Meier and Dr. Ron Gackle: Damages; via Dr. Meier and Dr. Gackle.
429. Bennett-Huihui: W2's for years 2002 – 2014: Damages; via Dr. Mason.

430. Bennett-Huihui: City and County of Honolulu Payroll Statements: Damages; via Dr. Mason.
431. Bennett-Huihui: City and County of Honolulu Statement of Workers' Rights and Responsibilities: Damages; via Dr. Mason.
432. Bennett-Huihui: City and County of Honolulu Vocational Rehabilitation Assessment Letter: Damages; via Dr. Mason and Dr. Gackle.
433. Bennett-Huihui: Employee Summary Report for years 2004 – 2012: Damages; via Dr. Mason.
434. Bennett-Huihui: Predetermination letter; Dated: 05/06/2015: Damages; via Dr. Gackle and Dr. Mason.
435. Bennett-Huihui: Shopo Contracts for years 2007-2010, 2015, 2017: Damages; via Dr. Mason.
436. Bennett-Huihui: Service connected disability application; Dated: 02/13/2014: Damages; via Dr. Gackle and Dr. Mason.
437. Bennett-Huihui: Physical limitations list: Damages; via Dr. Gackle and Dr. Mason.
438. Bennett-Huihui: Honolulu Police Department Human Resources and Training Policy: Damages; via Dr. Gackle and Dr. Mason.
439. Bennett-Huihui: Defense expert report of Thomas A. Loudat, PhD; Dated: 05/23/2012: Damages; via Dr. Mason.
440. Dowkin: Tax returns and W2's for years 1997-2014: Damages; via Dr. Mason.
441. Dowkin: Shopo Contracts for years 2011, 2013-2017: Damages; via Dr. Mason.
442. Dowkin: Employee summary report for years 2003-2014: Damages; via Dr. Mason.
443. Dowkin: State of Hawaii Employees' Retirement system information for prospective retirement: Damages; via Dr. Mason.

444. Dowkin: Defense expert report of Thomas A. Loudat, PhD; Dated: 05/23/2012: Damages; via Dr. Loudat.
445. Delgadillo: Tax returns and W2 documents for years 2006-2014: Damages; via Dr. Mason.
446. Delgadillo: Defense expert report of Thomas A. Loudat, PhD; Dated: 05/23/2012: Damages; via Dr. Loudat.
447. All EEOC Charges (and Amended Charges), not otherwise identified above, filed by the Plaintiffs, and any statements filed by any Defendant in response thereto: Liability; via Plaintiffs.
448. All Declarations, Affidavits and Exhibits, not otherwise identified above, attached to any pleading in this lawsuit or attached to any pleading in *Bennett-Bagorio v. The City and County of Honolulu, et al.*, now on appeal to the Ninth Circuit: Liability; via Plaintiffs or Defendants.
449. All exhibits, not otherwise identified above, attached to any deposition taken in this lawsuit: Liability; via Plaintiffs or Defendants.
450. All documents referred to or relied upon in the report or updated reports of any expert witness for either Plaintiffs or Defendants: Liability/Damages; via Plaintiffs' or Defendants' experts.
451. All medical records and deposition testimony (including all exhibits and testimony corrections/changes thereto) of Plaintiffs' and Defendants' expert witnesses and of Plaintiffs' treating health care providers, to include the following: Chief Dan Montgomery, Chief D. P. Van Blaricom, Dr. Patrick Mason, Dr. Daniel Meier, Dr. Ronald Gackle, Dr. Alvin J. Murphy, Dr. Martin Blinder and Dr. Thomas Loudat: Liability/Damages; via each of such experts.
452. Demonstrative Exhibit: A Timeline of the Significant Events of the Case
453. All exhibits listed by Defendants.
454. Rebuttal exhibits, should they become necessary.

K. Further Discovery or Motions.

Discovery has ended. No Motions remaining.

L. Stipulations.

All exhibits should be automatically admissible without the need for authentication, as almost all of them have been produced by Defendants and/or their authenticity is not in doubt. Stipulation to admissibility will be sought.

M. Amendments, Dismissals.

None.

N. Settlement Discussion.

Settlement discussions are currently ongoing, facilitated by Magistrate Judge Richard Puglisi and local mediator, Keith Hunter, and a fourth settlement session is scheduled for January 15. It is unknown if further negotiations will be productive, primarily because of their inherent logistical complexity (two insurance carriers and the City Council interacting).

O. Agreed Statement.

Not feasible.

P. Bifurcation.

Not applicable.

Q. Reference to Master or Magistrate Judge.

Not applicable.

R. Appointment and Limitation of Experts.

Not applicable.

S. Trial.

Now set to commence on March 1, 2016. A timely request for trial by jury was made.

T. Estimate of Trial Time

Plaintiffs anticipate that 10-12 full court days will be required to present Plaintiffs' case, as Plaintiffs will call their 2 forensic experts, their 3 medical experts, the 4 individual Defendants (who will be called by Plaintiffs in their case-in-chief), the City Defendant's expert police chief and 30(b)(6) witness(es) (who will also be called by Plaintiffs in their case-in-chief) and Plaintiffs' other witnesses (approximately 44 witnesses in total).

U. Claims of Privilege or Work Product.

None.

V. Miscellaneous.

None.

DATED: January 28, 2016.

/s/ Merit Bennett
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Attorneys for Plaintiffs

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

SERGEANT SHERMON DEAN
DOWKIN, et al.,

Plaintiffs,

vs.

THE CITY AND COUNTY OF
HONOLULU, et al.,

Defendants.

) CIVIL NO. CV 10-00087 LEK/RLP
)
) **CERTIFICATE OF SERVICE:**
) **PLAINTIFFS' AMENDED**
) **PRETRIAL STATEMENT**
)
)
)
) Non-hearing Motion
)
)
) TRIAL DATE: March 1, 2016
) TRIAL JUDGE: Honorable Leslie
) Kobayashi
)
)
)

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document will be filed electronically using the CM/ECF system and served by operation of the Court's electronic filing system to all parties of record.

DATED: January 28, 2016.

/s/ Merit Bennett
MERIT BENNETT, ESQ.
Attorney for Plaintiffs