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10 Counsel for Plaintiff and
Counter-Defendant ERIC GRANT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ERIC GRANT,
Plaintiff,
v.
KAMEHAMEHA SCHOOLS/BERNICE
PAUAAHI BISHOP ESTATE; J. DOUGLAS
ING, NAINOA THOMPSON, DIANE J.
BLOTTES, ROBERT K.U. KHILWEE, et al.,
Defendants,
) No. 2:08-cv-00672-FCD-KJM
)
)
)
) DECLARATION OF PLAINTIFF AND
) COUNTER-DEFENDANT ERIC GRANT
) IN SUPPORT OF HIS REPLY TO KSBE
) DEFENDANTS' OPPOSITION TO
) DOE DEFENDANTS' MOTION FOR
) PRELIMINARY INJUNCTION

PLOTTS, ROBERT K.U. KIHUNE, and)
CORBETT A.K KALAMA, in their)
capacities as Trustees of the Kamehameha)
Schools/Bernice Pauahi Bishop Estate;) Hearing Date: April 17, 2008
JOHN DOE; and JANE DOE,) Time: 4:00 p.m.
Defendants.) Courtroom: 2
) Judge: Hon. Frank C. Damrell, Jr.

JOHN DOE and JANE DOE,

Counter-Claimants,

KAMEHAMEHA SCHOOLS/BERNICE PAUAHI BISHOP ESTATE, et al.,

Counter-Defendants.

1 I, Eric Grant, declare as follows:

2 1. I am the Plaintiff and co-counsel for Plaintiff Eric Grant in the above-entitled case.
3 I make this declaration in support of Plaintiff and Counter-Defendant Eric Grant's Reply to KSBE
4 Defendants' Opposition to Doe Defendants' Motion for Preliminary Injunction. I make the state-
5 ments of fact in this declaration of my own personal knowledge. If called as a witness in this pro-
6 ceeding, I could and would competently testify to the facts set forth herein.

7 2. Since 1990, I have been a member in good standing of the State Bar of California.
8 Since 2001, I have been a member in good standing of the Bar of this Court.

9 3. I have resided and practiced law in Sacramento County continuously since 1997. I
10 have been a solo practitioner since August of 2004.

11 4. In the following paragraphs, I refer to Defendants Kamehameha Schools/Bernice
12 Pauahi Bishop Estate, J. Douglas Ing, Nainoa Thompson, Diane J. Plotts, Robert K.U. Kihune, and
13 Corbett A.K. Kalama collectively as "KSBE." I refer to Defendants John Doe and Jane Doe, two
14 individuals whose true identities are known to me, as "the Does."

15 5. I represented the Does in a federal civil rights lawsuit against KSBE, which lawsuit
16 attacked KSBE's "Hawaiians only" admissions policy at its K-12 schools as discrimination on the
17 basis of race in violation of 42 U.S.C. § 1981. That lawsuit was filed in June of 2003 in the United
18 States District Court for the District of Hawaii; it was styled *Doe v. Kamehameha Schools/Bernice*
19 *Pauahi Bishop Estate, et al.*, No. 1:03-cv-00316-ACK-LEK ("the Underlying Litigation").

20 6. While the Underlying Litigation was pending in the district court, KSBE was rep-
21 resented by California counsel working from California, namely, Kathleen M. Sullivan, then dean
22 of Stanford Law School; she alone argued for KSBE at the one and only hearing before the district
23 court on November 17, 2003.

24 7. The district court ruled in favor of KSBE and dismissed the Does' action with pre-
25 judice. On the Does' behalf, I filed a notice of appeal to the United States Court of Appeals for the
26 Ninth Circuit in San Francisco. Accordingly, the Underlying Litigation was pending in that court
27 from December 30, 2003 through December 5, 2006 (as No. 04-15044).

28 ///

1 8. In that appeal, KSBE was again represented by California counsel working from
2 California, namely, Ms. Sullivan; she alone argued for KSBE at the panel oral argument on Nov-
3 ember 4, 2004 and the en banc oral argument on June 20, 2006 in San Francisco.

4 9. The Ninth Circuit likewise ruled in favor of KSBE and affirmed the district court's
5 dismissal of the Does' action. On the Does' behalf, I filed a petition for certiorari in the Supreme
6 Court of the United States (docketed as No. 06-1202).

7 10. In that phase of the litigation, KSBE was again represented by California counsel
8 working from California, namely, Ms. Sullivan and the law firm Quinn Emanuel Urquhart Oliver
9 & Hedges, LLP in Redwood Shores, California. Ms. Sullivan was designated "Counsel of Record"
10 (i.e., lead counsel) for KSBE on the brief in opposition to the Does' petition.

11 11. While the Does' petition was under consideration by the Supreme Court, Ms. Sul-
12 livan on May 3, 2007 contacted me at my office in Sacramento County and proposed to continue
13 settlement negotiations on behalf of our respective clients. On May 8, 2007, I met Ms. Sullivan at
14 a restaurant in Pleasanton, California, where we conducted negotiations over a long lunch.

15 12. Over the course of the following three days, Ms. Sullivan and I continued to nego-
16 tiate by telephone and electronic mail from our respective offices in California. I recollect that we
17 spoke approximately a dozen times and exchanged at least thirty e-mail messages in that period.

18 13. On May 11, 2007, our negotiations consummated in a written settlement agreement.
19 On a separate page of the agreement entitled "Approval as to Form," Ms. Sullivan and I executed
20 a provision that stated: "On behalf of our respective clients, we approve the foregoing Settlement
21 Agreement and General Release as to form." At KSBE's specific demand, I executed a separate
22 declaration confirming that the signatures of "John Doe" and "Jane Doe" were genuine. These ex-
23 ecutions were accomplished from our respective offices in California.

24 14. The essence of the settlement was an exchange by which the Does received mone-
25 tary compensation from KSBE for dismissing their pending petition for certiorari. To effect that
26 dismissal, I initiated (and Ms. Sullivan joined) a telephone call to the Clerk of the Supreme Court.
27 Based on the Clerk's instructions, Ms. Sullivan and I executed an "Agreed Stipulation to Dismiss"
28 the petition, which I submitted to the Clerk by facsimile from my office in Sacramento County. In

1 accord with that stipulation, the Clerk entered an order dismissing the Does' petition pursuant to
2 the Supreme Court's Rule 46.1.

3 15. Thereafter, KSBE discharged its financial obligation under the settlement by making
4 payments to my client trust account at my bank in Sacramento. The logistics of such payments
5 were co-ordinated by Ms. Sullivan and me.

6 16. On February 7, 2008, I was in Honolulu to participate in an academic symposium at
7 the University of Hawaii Law School concerning the Underlying Litigation. At that symposium,
8 I was approached by two newspaper reporters (one from the *Honolulu Advertiser*, the other from
9 the *Honolulu Star-Bulletin*), both of whom stated that Goemans had disclosed what he represented
10 to be the amount and other terms of the settlement between the Does and KSBE. When asked by
11 those reporters to comment on the disclosures, I categorically refused.

12 17. I spoke numerous times with Kathleen Sullivan at the academic symposium. Those
13 conversations, which concerned the Goemans disclosures among other subjects, led me to believe
14 that Ms. Sullivan and her law firm continued to represent KSBE, as she had done since 2003.

15 18. Based on my personal conversations with Tom Gede, a lawyer resident in the San
16 Francisco office of the firm of Bingham McCutchen LLP (one of KSBE's counsel in the present
17 action), I understand that the firm represented KSBE (or related entities) in land-use and environmental
18 matters even before the commencement of this action.

19 19. On March 31, 2008, I visited a webpage on KSBE's website, <http://www.ksbe.edu/about/facts.php>. On that page, KSBE states that it "is the largest private landowner in the state of
20 Hawaii." A true and correct copy of a printout of the page, with the quoted statement highlighted,
21 is attached hereto as Exhibit 1.

23 20. On March 31, 2008, I downloaded from KSBE's website, <http://www.ksbe.edu/pdf/ar07/annualreport07.pdf>, a document entitled *Kamehameha Schools Annual Report: July 1, 2006-June 30, 2007*. On internally numbered Page 5 of that document, KSBE states that "the fair value
24 of [its] total endowment grew by \$1.39 billion during fiscal year 2007, increasing the overall en-
25 dowment fair value to \$9.06 billion as of year end." A true and correct copy of the document, re-
26 sized to fit on 8.5' x 11' paper with the quoted passage highlighted, is attached hereto as Exhibit 2.
27
28

1 21. On March 31, 2008, I visited a webpage on KSBE's website, <http://www.ksbe.edu/article.php?story=20070514062928373>. That page is a press release issued by KSBE's Trustees on May 14, 2007, announcing and justifying KSBE's settlement with the Does. The press release states that "This means that the Circuit Court ruling stands" and that "The ruling from the 9th Circuit Court is a pono one for Kamehameha Schools and for kanaka maoli." A true and correct copy of a printout of the release, with the quoted statements highlighted, is attached hereto as Exhibit 3.

7 22. On April 14, 2008, I visited the website of Allen Matkins Leck Gamble Mallory & Natsis LLP, a law firm with offices only in California. In particular, I visited the page describing the practice of partner Anton N. Natsis (a member of the California Bar), <http://www.allenmatkins.com/search/printableversion.asp?id=441>. That page states that "Mr. Natsis is continually sought out by some of the largest national land owners, such as . . . Kamehameha Schools (The Bishop Estate)." A true and correct copy of a printout of the page, with the quoted statement highlighted, is attached hereto as Exhibit 4.

14 23. On April 14, 2008, I also visited the webpage describing the practice of Allen Matkins associate Michael McFadden (also a member of the California Bar), <http://www.allenmatkins.com/search/printableversion.asp?id=440>. The page states that Mr. McFadden "regularly represents some of the largest national land owners, including . . . Kamehameha Schools (The Bishop Estate)." A true and correct copy of a printout of the page, with the quoted statement highlighted, is attached hereto as Exhibit 5.

20 24. On April 14, 2008, I visited the webpage for Kathleen M. Sullivan on the website of the State Bar of California, http://members.calbar.ca.gov/search/member_detail.aspx?x=242261. That page indicates that Ms. Sullivan's business address is "Quinn Emanuel et al LLP, 555 Twin Dolphin Dr #560, Redwood Shores, CA, 94065." A true and correct copy of a printout of the page is attached hereto as Exhibit 6.

25 25. I have no direct personal knowledge of the residence of John Goemans. I do know, however, that in *Grant v. Goemans* (Sacramento Superior Court No. 07AS04172), Mr. Goemans verified his Response to Form Interrogatories, Set One, on December 8, 2007. In his Response to Form Interrogatory No. 2.5 on Page 4 of that document, Goemans identified his residence address

1 as "120 S. Reeves, Beverly Hills, CA" during the period "2004-present." A true and correct copy
2 of relevant excerpts from that document is attached hereto as Exhibit 7.

3 26. On April 15, 2008, I followed a link from the homepage of KSBE's website, <http://www.ksbe.edu>, to the website of the Ke Ali'i Pauahi Foundation, <http://www.pauahi.org>. As de-
4 scribed on a page of that website, <http://www.pauahi.org/about/board-of-directors.php>, the board
5 of directors of the Foundation consists precisely of "the five sitting trustees of the Kamehameha
6 Schools," namely, the five individuals sued in this action in their capacities as trustees. A true and
7 correct copy of a printout of the webpage, with the quoted statement highlighted, is attached hereto
8 as Exhibit 8.

10 27. On April 15, 2008, I also downloaded from the Ke Ali‘i Pauahi Foundation web-
11 site, <http://www.pauahi.org/pdf/Available%20Scholarships%20021606.pdf>, a document that listed
12 the Foundation’s “available scholarships for the 2006-2007 academic year.” These included the
13 “Kamehameha Schools Alumni Association-Northern California Scholarship” for “students whose
14 permanent residence is in Northern California (State of California addresses north of and including
15 the city of San Luis Obispo) and are of Hawaiian ancestry.” A true and correct copy of a printout
16 of the document, resized to fit on 8.5' x 11' paper with the quoted passages highlighted, is attached
17 hereto as Exhibit 9.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 15, 2008.

Respectfully submitted,

/s/ Eric Grant
ERIC GRANT

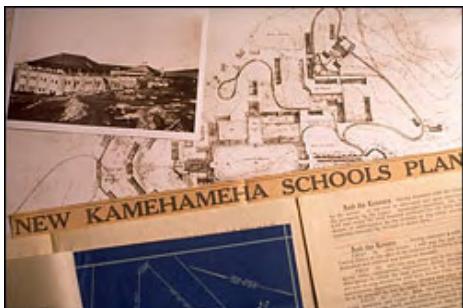
Exhibit 1



KAMEHAMEHA SCHOOLS

Campuses Students Faculty & Staff Parents & Alumni Community Contact Us

Quicklinks to KS System



[Google™ Custom Search](#)

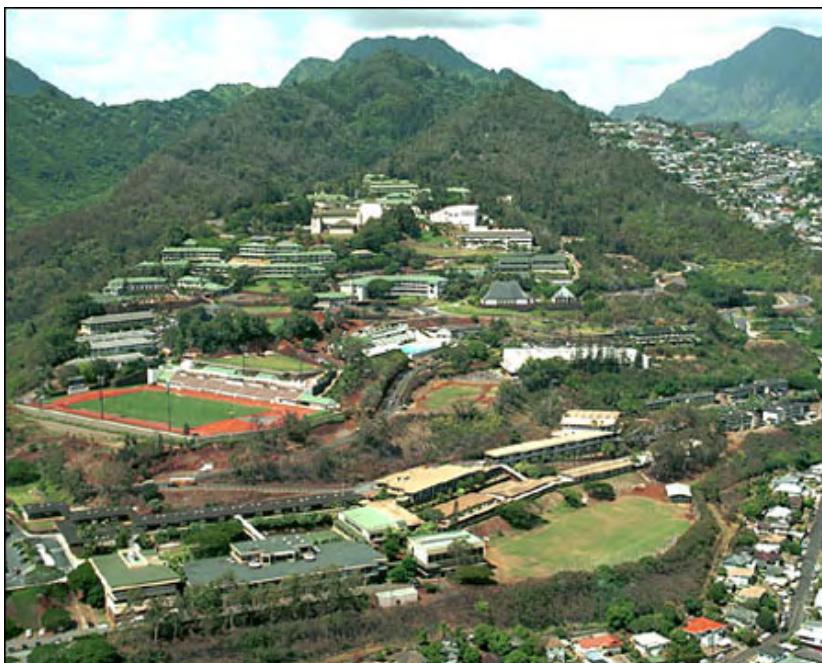
Additional Resources

[About Kamehameha Schools](#)
[Board of Advisors](#)
[Officers of KS](#)
[Governance](#)
[About KS Admissions Policies](#)

The Legacy of a Princess

Kamehameha Schools was founded by the will of Bernice Pauahi Bishop, a descendant of Hawaiian royalty, and the great-granddaughter of Kamehameha the Great.

Kamehameha School for Boys was the first to be established in 1887 on what are now the grounds of the Bishop Museum in Honolulu on the island of O'ahu. A year later the Preparatory Department, for boys 6 to 12 years of age, opened in adjacent facilities. The School for Girls opened in 1894 on its own campus nearby. In the early years, the curriculum focused on manual and industrial arts.



The 600-acre Kapalama Campus is the largest and oldest of Kamehameha's three campuses. A 180-acre campus on Maui, a 300-acre campus on Hawai'i, some 32 preschools on five islands and numerous extension education programs round out the statewide education system.

Between 1930 and 1955, all three schools moved to its present location - Kapālama Heights - less than a mile ma uka of the old Bishop Museum campus. In 1965 the boy's and girl's campuses became co-ed and the curriculum was increasingly geared to college preparation.

In 1996 two new campuses were established on the neighbor islands of Maui and Hawai'i, and they now serve students in grades K - 12. Kamehameha also operates 30 preschool sites statewide. The three campuses enroll over 5,000 students and an additional 23,000 are served annually through community-based and scholarship programs, and collaborations with educational and community organizations.

In addition to three campuses, Kamehameha operates 30 preschool sites enrolling 1,500 3- and 4-year-old children statewide; and serves thousands more students through community outreach and scholarship programs, and collaborations with educational and community organizations.

Kamehameha subsidizes a significant portion of the cost to educate every student. Although modest tuition and fees are charged, nearly 60 percent of

preschool and K-12 families qualify for and receive need-based financial aid.

Christian and Hawaiian cultural values and practices as well as service learning are integral to Kamehameha Schools programs, both on campus and in the community. It is the policy of Kamehameha Schools to give preference to applicants of Hawaiian ancestry to the extent permitted by law.

Kamehameha Schools is the largest private landowner in the state of Hawai'i. Income generated from its residential, commercial and resort leases, as well as diverse investments, fund the schools' maintenance and operations. The Schools' endowment has experienced dramatic growth over the past few years, resulting in a total portfolio value of \$7.66 billion as of June 30, 2006.

Kamehameha's Endowment Group also manages several education collaborations which focus on utilizing Kamehameha Schools' sizable land holdings for educational purposes. The 'Āina Ulu program is designed to use Kamehameha lands as classrooms for project-based learning. Statewide, more than 15,000 participants were served in 2005-06. The Mālama 'Āina program incorporates land and resource stewardship management plans which help ensure availability of resources to meet future needs.

Kapalama Campus: [Map :: VR Tour](#)

Hawai'i Campus: [Map :: VR Tour](#)

Maui Campus: [Map :: VR Tour](#)

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Contact Us: 567 South King Street, Suite 200, Honolulu, Hawai'i 96813 • Phone: (808) 523-6200 • Fax: (808) 541-5305 » [Suggestions?](#)

Exhibit 2

Kamehameha Schools Annual Report

JULY 1, 2006 - JUNE 30, 2007

"Kamehameha Schools' mission is to fulfill Pauahi's desire to create educational opportunities in perpetuity to improve the capability and well-being of people of Hawaiian ancestry."

bequeathed to my remainder of my property situated unto whences I have and do now have named to hold upon the following terms and conditions to wend and maintain in perpetuity to the Hawaiian Islands two schools, one for boarding and day scholars, one for boys and called the Kamehameha Schools, to be known as Bernice P. Bishop.



Educational Spending and Number of Learners Served Rise in Fiscal Year 2007

Kamehameha Schools Endowment Grows to More Than \$9 Billion

A \$29 million increase in educational spending led to even more Hawaiian learners benefiting from Pauahi's gift of education in fiscal year 2007 as Kamehameha Schools continued to honor the memory of its founder and accomplish its mission.

Kamehameha's educational spending jumped 13 percent to a total of \$250 million over the fiscal year. Since the schools' Education Strategic Plan was approved in June 2005, Kamehameha Schools has spent \$471 million on educational programs, services and collaborations.

Most remarkable about Kamehameha's educational expenditures for the year was a 37 percent rise in spending on community-based programs, to a total of \$78 million.

That amount included \$7.6 million of a total \$8.7 million awarded in

Since the schools' Education Strategic Plan was approved in June 2005, Kamehameha Schools has spent \$471 million on educational programs, services and collaborations.

one-time grants to various educational endeavors including \$4.8 million to Hawaiian-focused Department of Education charter schools and \$3.9 million to fund Family and Children Learning and Resource Centers planned for development as part of four affordable and transitional housing community clusters, helping to address the challenge of homelessness on O'ahu's Leeward Coast.

An additional \$18 million was awarded in preschool and post-high scholarships and another \$17.6 million was invested in agreements with more than 60 community organizations to further serve Hawaiian learners.

Kamehameha also experienced growth in the number of learners served, up 27 percent for the year from 28,000 to nearly 36,000.

"Last fiscal year was an incredible year, where everyone at Kamehameha Schools found ways to reach out to Hawaiian communities," said Dee Jay Mailer, chief executive officer of Kamehameha Schools. "From our students and families, to our staff and alumni, all minds were seeking ways to extend Pauahi's legacy – it was amazing."

"This fiscal year, the seeds of that work are sprouting as we work alongside of incredibly dedicated people in their communities to change the quality of education. While so much more is to be done, we can't help but feel rewarded by the accomplishments of our people every day. Maika'i loa!"

Kamehameha enjoyed significant progress during the year in managing its assets as real estate, stocks and other equity investments boosted the fair value of the institution's Endowment by \$1.39 billion to nearly \$9.06 billion, a one-year total return of 22.3 percent.

This is the third consecutive year that Kamehameha Schools has realized a strong investment performance. In 2005, a 12.9 percent return brought a jump of \$600 million to an Endowment fair value of \$6.8 billion, while 2006 saw a 17 percent return, adding \$897 million to a fair value of \$7.66 billion.

"Endowment's overall success is a result of prudent investment and land management and a talented and dedicated management and support team," said Kirk Belsby, Kamehameha's vice president of Endowment.

Other highlights for the year included:

- The May 2007 resolution of the "John Doe" lawsuit seeking to overturn Kamehameha's admissions policy. By resolving the four-year-old legal challenge, Kamehameha Schools preserved and protected its right to offer admissions preference to Native Hawaiians.
- The February 2007 appointment, effective April 1, 2007, of Corbett Kalama to replace Constance Lau as a Kamehameha Schools trustee. An executive vice president with First Hawaiian Bank, Kalama is the son of a kumu hula, a respected paddler and parent of three Kamehameha Schools graduates. He has brought a strong business acumen and Hawaiian cultural background to Kamehameha's boardroom.
- The December 2006 selection of Lee Ann Johansen DeLima '77 as the new headmaster for Kamehameha Schools Maui. DeLima had served as acting headmaster since April of 2006 when Dr. Rod Chamberlain was appointed Kamehameha's vice president of Campus Strategies. With Kamehameha Schools since 1999, DeLima has previously served KS Maui as principal of grades K-8, middle school principal and interim high school principal.
- The August 2006 start of the \$23 million renovation of Windward Mall in Kāne'ohe. One of the top ten assets in Kamehameha's Hawai'i Core Real Estate portfolio, Windward Mall is the third largest shopping center in the state. The renovation, completed in August 2007, included interior upgrades, new escalators, new flooring and carpets, enhanced landscaping and exterior artwork.



Maui Headmaster
Lee Ann DeLima



Kamehameha Schools Maui Outreach programs like Summer of Opportunity (left), Hūili and Ka Lei o ka Lanakila contributed to the nearly 36,000 children and families served through KS programs in the community and on its campuses statewide.



Evolving Kamehameha Schools Continues to Honor Pauahi and Fulfill its Mission

We look back on another fulfilling year at Kamehameha Schools with gratitude to our staff and 'ohana for their dedicated commitment to serving the legacy of our founder, Ke Ali'i Pauahi.

While this Annual Report chronicles the significant milestones of the past year, it is important to reflect on the longer-term progress critical to Kamehameha's mission.

Indeed Kamehameha is in the process of significant transformation, and shall continue to evolve over time.

We continue to diversify and to refine the endowment portfolio, one that is far more sophisticated than the trust's holdings just five

years ago. Higher investment returns provide greater opportunities to increase and shape educational programs seeking to create sustainable, intergenerational change within our communities.

From subtle shifts in our campus programs to a dramatic increase in community programs and partnerships, Kamehameha's leaders press forward to align and benchmark our programs and to inspire action directly responding to the educational needs of our communities. Unabated is our sense of urgency to serve thousands more

of Kamehameha's intended beneficiaries.

In several significant ways, we are today a vastly different Kamehameha Schools.

Such transformation could not have begun without a very strong team of leaders throughout the organization, dedicated to fulfilling Ke Ali'i Pauahi's vision, and would not have continued without a deep sense of shared values and goals across

all of Kamehameha's employees and 'ohana.

We wish to acknowledge their

contributions, and we extend our appreciation to the many individuals, committees, and groups who have worked so passionately to improve the capability and well-being of keiki throughout Hawai'i.

I mua Kamehameha!

Kamehameha Schools

Board of Trustees

J. Douglas Ing
Nainoa Thompson
Diane J. Plotts
Robert K.U. Kihune
Corbett A.K. Kalama

Chief Executive Officer

Dee Jay Mailer

Kamehameha Schools Board of Trustees



J. Douglas Ing



Nainoa Thompson



Diane J. Plotts



Robert K.U. Kihune



Corbett A.K. Kalama

Kamehameha Schools Chief Executive Officer Team



Dee Jay Mailer
Chief Executive Officer



Kirk O. Belsby
Vice President
for Endowment



Ann Botticelli
Vice President for
Community Relations
and Communications



D. Rodney Chamberlain,
Ed.D.
Vice President for
Campus Strategies



Michael J. Chun, Ph.D.
President and
Headmaster
KS Kapālama



Lee Ann DeLima
Headmaster
KS Maui



Randie Fong
Director, Hawaiian
Cultural Development



Stan Fortuna, Ed.D.
Headmaster
KS Hawai'i



Darrel Hoke
Director, Internal Audit



Sylvia Hussey
Head of Educational
Support Services



Michael P. Loo
Vice President for
Finance and
Administration



Lynn C.Z. Maunakea
Vice President and
Executive Director
Ke Ali'i Pauahi Foundation



Christopher J. Pating
Vice President for
Strategic Planning and
Implementation



Colleen I. Wong
Vice President for
Legal Services

On Target

According to plan, fiscal year 2007 sees Kamehameha Schools expand educational services, programs and collaborations to benefit more Hawaiian learners

A second-year review of Kamehameha Schools' ambitious 10-year Education Strategic Plan shows the organization clearly meeting its educational goals.

Using a mixture of innovation and collaboration, Kamehameha's second-year progress report for the period from July 1, 2006 to June 30, 2007 reveals a second consecutive strong year with educational service levels continuing to climb.

The numbers of Hawaiian children and families impacted by Kamehameha Schools programs and services grew by 27 percent, from 28,000 to nearly 36,000. In addition, more than 30,000 learners participated in one-time or intake programs such as the Land Legacy Education program called 'Āina Ulu that treats learners to education on Kamehameha lands.

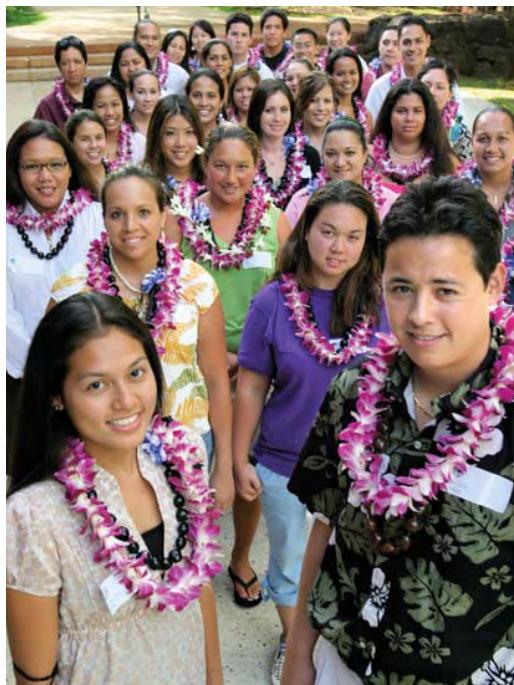
Since approval of its education plan in June 2005, Kamehameha Schools has increased the number of Hawaiian learners it serves by nearly 60 percent, up from an original count of 22,400.

Featuring three strategic priorities, the goal of Kamehameha's Education Strategic Plan is to create sustainable and intergenerational impact through quality educational experiences. The plan's long-range goal is to increase the number of learners served by Kamehameha programs, services and collaborations by 150 percent – to 55,000 learners – by 2015.

"We're right on track as we implement our education plan," said Chris Pating, Kamehameha's vice president for strategic planning and implementation. "We've made great strides to better align our service offerings to capitalize on the strengths within our organization and better meet the needs of our keiki.

"In addition, we've developed wonderful collaborations with other service organizations that bring more targeted resources and services to our keiki across the state, specifically in predominantly Native Hawaiian communities."

In fact, fiscal year 2007 saw Kamehameha Schools invest more than



Kamehameha Schools awarded \$16.4 million in post-high scholarships to 2,200 students.

\$17.6 million in agreements with over 60 community organizations statewide, providing services and program funding in predominantly Hawaiian

communities to expand quality educational opportunities. Kamehameha also increased its educational spending on community programs by 37 percent, to a total of \$78 million.

"We've fostered new and innovative collaborations, and our staff has worked tirelessly to identify and implement ways of increasing the number of people we serve," Pating said.

"In some cases, we've started new programs. We've filled excess capacity in some of our existing programs and added capacity to yet other programs. Finally, there's exciting internal collaboration occurring across Kamehameha Schools that has really fueled our ESP implementation

efforts, and that's how we are increasing the numbers of Hawaiians that we serve."

The first strategic priority of Kamehameha's education plan emphasizes early childhood education with a focus on learners age 0 to 8 and the families that care for these learners.

In fiscal year 2007, Kamehameha Schools:

- Served more than 8,800 keiki ages 0–8 through KS-centered preschools, preschool scholarships, literacy instruction and various educational collaborations
- Increased by 37 percent the number of scholarship awards to attend community preschools (850

Continues on page 6

**E kaupē aku nō i ka
hoe a kō mai.**

**Put forward the paddle
and draw it back.**

**Go on with the task
that is started and
finish it.**

Kamehameha Schools Community Collaborators

*Ho'okahi ka 'ilau like 'ana.
Wield the paddles together.
Work together.*

In fiscal year 2007, Kamehameha Schools aggressively implemented new programs, engaged in additional community collaborations and strengthened its relationships in predominantly Hawaiian communities.

Kamehameha Schools invested \$17.6 million in memorandum of agreements with more than 60 community organizations statewide, providing services and program funding to expand quality educational opportunities.

The following is a partial list of community collaborators who entered into agreements with Kamehameha Schools over the past fiscal year.

- 'Aha Pūnana Leo, Inc.
- Alu Like, Inc.
- Assets School
- Big Brothers/Big Sisters of Honolulu, Inc.
- Bishop Museum
- Farrington Community School for Adults
- Foundation for Excellent Schools
- Friends of the Leeward Coast Public Charter Schools
- Good Beginnings Alliance
- Hawai'i Association for the Education of the Young
- Hawai'i Association of Independent Schools
- Hawai'i Arts Alliance
- Hawai'i Council on Economic Education
- Hawai'i Nature Center
- Hawai'i Pacific University
- Hawai'i State Department of Education
- Hawaiian Educational Council
- Ho'okāko'o Corporation
- Ho'oulu Lāhuī
- Hula Preservation Society
- Institute for Native Pacific Education and Culture
- KAANA, Inc.
- Ka'ala Farm, Inc.
- Ka Huli o Hāloa
- Kaimuki Community Schools for Adults
- Kāko'o Ka 'Umeke, Inc.
- Kanu o ka 'Āina Learning 'Ohana
- Kanu I Ka Pono Inc.
- Kaua'i Community College
- Kawaiaha'o Church
- Ke Ali'i Pauahi Foundation
- Konanui Farms
- Ma Ka Hana Ka 'Ike Building Program
- Makana o Liloa
- Making Dreams Come True, Valley of Rainbows
- Mana Maoli
- Maui Community College
- National Indian Education Association
- Native Hawaiian Chamber of Commerce
- Office of Hawaiian Affairs
- Pa'i Foundation
- Partners in Development
- Queen Lili'uokalani Children's Center
- Teach for America, Inc.
- University of Hawai'i at Hilo
- University of Hawai'i at Mānoa
- Waipahu Community School for Adults
- Windward Community College

Numbers served through Kamehameha Schools programs and collaborations			
	FY 05-06	FY 06-07	
SP1 Children Pre-Natal to 36 months	104	329	
SP1 Center-based preschools	1,439	1,467	
SP1 Preschool age children	1,094	1,845	
SP1 K-3 grade in public schools	3,375	1,600	
SP2 Supporting 4-12 grades, post-high and charter schools	12,043	14,235	
SP3 Campuses	5,298	5,354	
SP1-3 Caregiver training and support; support for families and caregivers of children PN-12 – community	4,686	10,776	
Total number of Hawaiians served	28,039	35,606	



Kamehameha's 'Āina Ulu land-based educational program bridges the management of Kamehameha's lands with its educational mission.

Kamehameha Schools Endowment enjoys remarkable year

by Kirk O. Belsby, Vice President for Endowment

Fiscal year 2007 (July 1, 2006 to June 30, 2007) was another year of stellar performance for the Endowment Group of Kamehameha Schools. Building on the momentum of the past few years, we are hurtling forward on many successful fronts.

In the August 2007 issue of the respected *Institutional Investor* magazine, Kamehameha's Endowment Group was praised for its growth and continuing progress in various challenging initiatives. "The transition over the past five years has been one of the most remarkable in the oversight of institutional assets," stated one particularly generous quote from the article.

It is in statements such as those from outside observers that we find inspiration and validation to continue our arduous journey.

To highlight financial returns, the fair value of Kamehameha's total endowment grew by \$1.39 billion during fiscal year 2007, increasing the overall endowment fair value to

Looking forward to next year, our strategies may turn to minimizing negative impacts rather than maximizing the upside opportunities similar to the past few years.

\$9.06 billion as of year end, translating to a one-year total return of 22.3 percent.

The revenue was generated from a wide array of asset classes within our portfolio, attesting to a risk balanced approach to investing. The three largest asset classes in our portfolio - Hawai'i real estate, U.S.

equities, and international equities - had one year returns of 31.7 percent, 20.9 percent, and 26.5 percent, respectively.

Our returns were supported by particularly strong domestic and foreign equities markets, as well as a healthy local economy here at home in Hawai'i. While it appears that the tides may be ebbing within our domestic economy

given the recent news in the residential construction and subprime lending markets, we hope to weather any such storm better than most as we have constructed a financial portfolio that can act as defensive as offensive.

Looking forward to next year, our strategies may turn to minimizing negative impacts rather than maximizing the upside opportunities similar to the past few years.

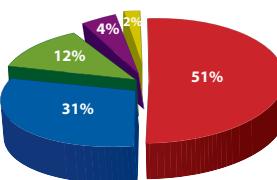
Closer to home, the past year witnessed continued focus on the application of our five-value approach to strengthening our Hawai'i real

A full copy of Kamehameha Schools' audited "Consolidated Financial Statements and Supplemental Schedules" for fiscal year 2007 is available at www.ksbe.edu/annualreports.

Continues on page 6

Kamehameha Schools Trust Spending Fiscal Year 2007

Kamehameha Schools spending policy targets annual spending on education at 4.0 percent of the five-year average fair value of its Endowment. Spending in FY 2007 was 4.1 percent and allocated as follows:



Category	Amount
Campus-based Programs	\$127 million
Community Education	\$78 million
Major Repairs & Capital Projects	\$31 million
Debt Financing Interest	\$9 million
Other	\$5 million
Total Trust Spending	\$250 million



Windward Mall was revitalized with a \$23 million renovation.

Kamehameha Schools Investment Returns and Benchmarks Period ending June 30, 2007				
	One-year total return	*Three-year total return	*Five-year total return	*Since July 1, 1999 total return
Total Endowment	22.3%	17.3%	14.5%	11.3%
Endowment Fund Composite Benchmark	15.5%	12.1%	10.9%	7.5%
CPI + 5%	7.7%	8.2%	8.0%	7.9%
+Large Endowment Fund Median	20.2%	16.0%	13.6%	10.3%

*Annualized

+Source: Cambridge Associates



Students from Hālau Lokahi charter school participate in an October 2007 lei hili workshop presented by Pomai Kalahiki of Kamehameha's Enrichment department. Held at Kapālama's Keanakamanō Hawaiian Cultural Garden, the workshop was part of the National Indian Education Association Convention. Kamehameha Schools supported 14 Hawaiian-focused charter schools with 2,300 students and provided one-time funding allocations to 12 of the schools totaling approximately \$4.8 million in fiscal year 2007.

On Target...

Continued from page 4

keiki) and increased total financial awards from \$3 million the previous year to \$4.4 million

The second priority of the Education Strategic Plan calls for supporting children in grades four through post high school, sustaining the momentum created by Kamehameha's focus on early childhood education.

In fiscal year 2007, Kamehameha Schools:

- Educated more than 8,500 non-campus students through enrichment, campus outreach and summer school programs
- Awarded \$16.4 million to 2,200 students for post-high scholarships, serving both new graduates as well as continuing education students of all ages
- Supported 14 Hawaiian-focused charter schools with a total of more than 2,300 students and provided one-time funding allocations to 12 of the schools totaling approxi-

mately \$4.8 million

With traditional campus enrollment for grades K-12 now fixed each year at 5,400 at Kamehameha school sites at Kapālama, O'ahu and on Maui and Hawai'i, the increase in numbers of Hawaiian learners served is coming entirely from new community program beneficiaries.

But that doesn't mean Kamehameha isn't focusing on the third strategic priority of its education plan – developing innovative instructional models at its campus-based programs.

"Our schools are on a continuous journey of improvement," said Dr. Rod Chamberlain, Kamehameha vice president for campus strategies. "The results of fiscal year 2007 have set a strong foundation for our work to achieve the vision for our campuses as places of innovative learning, serving, living culturally and spiritually, graduating students who have and always will contribute greatly to the strength of the Hawaiian people in

this world. And one of the most exciting aspects of the last school year was the increased collaboration among the campuses."

Those collaborations included:

- Enriching the curriculum through cross-campus conversations to serve increased numbers of indigent and orphan students at Kamehameha campuses at Kapālama, O'ahu and on Hawai'i and Maui
- Enhanced programs that increased student learning in Hawaiian language and culture
- Expanded teaching strategies that promoted student learning and improved student growth in areas such as writing and instructional technology by fine-tuning instructional practices

"This is the second completed year of our Education Strategic Plan, and we still have a lot of implementation challenges," Pating said. "Kamehameha Schools is a big ship and it requires tremendous energy to coordinate the efforts of more than 1,800

employees across the entire state.

"But even with these challenges, our KS 'ohana has risen to the challenge and gone above and beyond to implement our education plan. Everyone is working very hard to positively impact our Hawaiian people and we are all pulling on the paddle at the same time."

For more on Kamehameha's educational efforts, please visit the Community Education Implementation division's Web site at (<http://exten.sion.ksbe.edu/content/>).



Kamehameha provided \$4.4 million to 850 keiki in community preschools through its Pauahi Keiki Scholars program.

Kamehameha Schools Endowment...

Continued from page 5

estate portfolio. Utilizing economic, educational, cultural, environmental, and community based themes, Pauahi's land legacy is thriving ever more.

The Royal Hawaiian Shopping Center is nearing the completion of a \$115 million makeover, and we look forward to a grand reopening in 2008. The Kāne'ohe and Kailua communities have been delighted by the family-friendly rehabilitation of Windward Mall, which was presented the "Shopping Center of the Year" award for 2007 by the Retail Merchants of Hawai'i.

With the purchase of the Varsity Theatre in June 2007, we now have a critical mass of land area assembled

that will support a mixed-use development capable of serving as a commercially desirable gateway to the University of Hawai'i at Mānoa.

Further, the planned development of a 400,000 square-foot life science facility in Kaka'ako continues, and was aided during the past legislative session when Kamehameha Schools and its development partner obtained enabling legislation for the High Tech Development Corporation (a state of Hawai'i sponsored entity) to master lease 60,000 square feet. The life science facility at project completion will ultimately house more than 1,000 employees.

Both projects will hopefully lead to stronger ties with UH-Mānoa and will foster the growth of a larger science and technology based work force. Our ultimate goal is to purpose our land to not just provide an eco-

nomic return, but to also provide opportunities for our children to have access to broader educational opportunities and living wage jobs that will allow them to stay in Hawai'i and raise their own families.

On Hawai'i island, the renovation of the Keauhou Beach Hotel is ongoing. More importantly, restoration on two adjacent heiau ma kai has begun, with completion scheduled in early 2008. Their physical and spiritual impact on the landscape is already clearly visible, and one can see them as a beacon and sentinel of Hawaiian culture at the birthplace of Kauikeaouli, Kamehameha III.

The 'Āina Ulu land-based educational programs continued to thrive this past year as thousands of learners were exposed to our land legacy on approximately 39,000 dedicated acres. Further, more than

120,000 acres are presently subject to conservation programs within the Mālama 'Āina program to preserve the pristine nature of our lands and waters.

And finally, the historical and cultural knowledge of our lands grows each year as we continue to populate our land legacy database through our cultural historians.

The Endowment Group is exercising its mandate to serve the mission of Kamehameha Schools by growing the size of its asset base, protecting the cultural and historical wahi pana, and providing new opportunities by linking our land portfolio to education and jobs.

We embrace this kuleana and commit to ho'omau the legacy of Princess Pauahi.



Exhibit 3



KS Newsroom

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Upcoming Events

March 2008

24	25	26	27	28	29	01
02	03	04	05	06	07	08
09	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	01	02	03	04	05

Highlighted days have events.

Trustee Message: Kamehameha Schools and "John Doe" Settle Admissions Lawsuit

Monday, May 14 2007 @ 06:29 AM HST | Contributed by: CEO Message | Views: 3,414

Aloha mai kakou,



We have reached agreement with "John Doe" to resolve Doe's lawsuit seeking to overturn our admissions policy. The terms of the settlement are confidential. By settling this case, we protect our right to offer admissions preference to Native Hawaiians. The plaintiff has withdrawn his petition for U.S. Supreme Court appeal of the 9th Circuit Court ruling upholding our preference policy as legally permissible.

This means that the Circuit Court ruling stands – our legal right to offer preference to Native Hawaiian applicants is preserved. Our work to fulfill our mission and Pauahi's vision, on our campuses and in our communities can proceed without distraction.

The ruling from the 9th Circuit Court is a pono one for Kamehameha Schools and for kanaka maoli. The majority opinion written by Judge Susan Graber acknowledges our unique history and the importance of our mission. In addition, the concurring opinion by Judge William Fletcher recognizes that Native Hawaiians have political status with the U.S. as a Native people. It is a great ruling to uphold, for Kamehameha Schools and the many federal and state programs that acknowledge and support the determination of our people to thrive. By settling this case we preserve our rights to serve our people in the manner we feel is best.

This was a very difficult decision. From the beginning of this lawsuit, we have been prepared to defend our policy to the very end of the judicial process. However, it is becoming increasingly clear that this lawsuit is only one piece of a much broader risk to the rights of Native Hawaiians, as the Indigenous people of this state, to manage and control our own resources.

We cannot ignore the treacherous landscape before us. We have all seen the systematic attempts to take Hawaiian Homelands, dismantle the Office of Hawaiian Affairs, to eliminate federal funding for programs that serve to improve the well-being of Native Hawaiians, and to scuttle attempts in the U.S. Congress to solidify our peoples' Indigenous status.

We have all heard our efforts to protect our rights as Indigenous people described as "Balkanization," "separatist" and "racist." We have all read essays and opinions that seek to rewrite Hawaiian history and the overthrow of the Hawaiian Kingdom and government.

The John Doe v. Kamehameha Schools case was just one more attempt by a few to chip away at Native Hawaiian rights. Settling this case preserves our ability to fulfill our mission and our right to use our resources for their directed purpose, as a completely private Trust established by the bequest of one of our Ali'i during the time of Hawaiian Sovereignty. Settling this case also reserves the rights of other private trusts – Native and non-Native, as well as the rights of all Indigenous people to control and use resources designated for their benefit.

This settlement, which preserves a favorable 9th Circuit Court ruling, has the same legal effect as a denial of the plaintiff's petition for Supreme Court review. It allows us all to move forward with a common purpose: protecting the rights of kanaka maoli, private individuals and Indigenous people everywhere to use our own resources to take care of our own people.

As a Native Hawaiian trust, we will stand strong with other organizations and individuals to protect our assets. And as an Educational institution, we will move ahead with speed and diligence to extend our reach into our communities to more Native Hawaiian children and families, as our Princess intended. We have made significant gains in the number of children and families we serve in the past year, and we are ready to do more.

You have been stalwart in your support as we have fought to protect our rights and our mission. Mahalo piha for all that you do for Kamehameha Schools and for the children and families we serve.

Me ka ha'aha'a,

Trustee J. Douglas Ing, Chair
Trustee Nainoa Thompson
Trustee Diane Plotts
Trustee Robert Kihune
Trustee Corbett Kalama
Dee Jay Mailer, CEO

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- More by CEO Message
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Story Options

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Kapalama Campus: Map :: VR Tour**Hawai'i Campus:** Map :: VR Tour**Maui Campus:** Map :: VR Tour

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Contact Us: 567 South King Street, Suite 200, Honolulu, Hawai'i 96813 • Phone: (808) 523-6200 • Fax: (808) 541-5305 » [Suggestions?](#)

Exhibit 4

Allen Watkins

Attorneys

Anton N. Natsis: Partner

Practice Areas:

Construction
Finance & Capital Markets
Land Use, Environmental & Natural Resources
Real Estate



Description of Practice:

A name partner of the firm, Tony Natsis is the chairman of the firm's 125-attorney Real Estate Department, and is one of the top real estate attorneys in the United States. He specializes in development, leasing, purchase and sale, and portfolio investment sales transactions, involving office, retail, and industrial projects. He also has extensive experience arbitrating fair market value disputes, and CAM disputes. Mr. Natsis is continually sought out by some of the largest national land owners, such as J.P. Morgan Asset Management, Blackstone Real Estate, Brookfield Properties, CarrAmerica Realty, Boston Properties, Equity Office Properties, Kilroy Realty, Inc., Beacon Capital Partners, Maguire Properties, Commonfund Realty, Broadway Partners, TIAA, Kamehameha Schools (The Bishop Estate), and Westfield Corporation. He also represents many governmental entities such as the LAUSD, State of California, and The City of Anaheim. He is also frequently retained as counsel for major national office tenants, such as AT&T, Citicorp, the FDIC, AIG, The Walt Disney Company, and Los Angeles Times. A frequent lecturer and author, Mr. Natsis is the chief consultant of the California Continuing Education of the Bar Commercial Leasing Series, the legal education reference book on leasing for California attorneys, is an adjunct professor of law at Loyola Law School for a course covering commercial real state transactions, and has spoken before such national real estate groups as ULI and BOMA. Mr. Natsis is a Founding Board Member of The Ziman Real Estate Center, which is governed under the joint auspices of the UCLA Anderson School of Business and the UCLA Law School. In the past 12 months, Mr. Natsis has closed commercial office leases exceeding 5,000,000 square feet, has worked on real estate purchase contracts with a total consideration of over \$3 billion, and has worked on development transactions with a total consideration in excess of \$3 billion. Since 2006, Mr. Natsis has worked on office building portfolio investment sales transactions involving over \$60 billion of consideration. One of Mr. Natsis' most significant transaction in the past year is the largest real estate acquisition deal in the history of the United States. He performed extensive real estate services in connection with Blackstone Real Estate's purchase for \$43 billion of Equity Office Properties Trust (at that point the largest owner of office space in the U.S. other than the Federal Government). Subsequently, Blackstone contracted to sell over 50% of the properties it purchased with such sales closing in the first and second quarter of 2007. He assisted Blackstone in its acquisition due diligence related to EOP and the subsequent sales of the properties. The related transactions to this deal included (i) Maguire Properties' purchase of Blackstone/EOP in Orange County for \$2 billion, (ii) Irvine Company's purchase of Blackstone/EOP in San Diego for \$1 billion, (iii) Morgan Stanley's purchase of Blackstone/EOP in San Francisco for \$2.5 billion, and (iv) Beacon Capital Partners purchase of Blackstone/EOP Seattle for \$6.3 billion. Mr. Natsis has completed the following significant deals in the 2000's: (i) represented JMB, as landlord, in the highest priced office lease in the history of Los Angeles County (MGM's lease of 450,000 square feet at MGM Tower in Century City, California); (ii) represented the LAUSD in the biggest office lease in the history of Los Angeles County (Los Angeles Unified School District Lease of 930,000 square feet at Beaudry I in Los Angeles, California); (iii) represented J.H. Snyder Co. and Colony Advisors in the sale of Water Garden II in Santa Monica, California, to J.P. Morgan for \$250,000,000 (largest sale of the year in 2001 in Los Angeles County); (iv) completed the purchase of 10 Universal City Plaza for Beacon Capital Partners and CarrAmerica from Vivendi for \$190,000,000 purchase price, with a leaseback of 350,000 to Vivendi (which was the largest purchase in Los Angeles County in 2003); (v) successfully represented Transpacific Development Company ("TDC") in the landmark arbitration between TDC (landlord) and Sony Pictures Entertainment (tenant) to determine the five-year fair rental value of a 328,000 square foot office building in Culver City, which arbitration resulted in TDC, the landlord, receiving, over the five-year period, approximately \$43,000,000 in triple-net rent as opposed to the approximately \$23,000,000 triple-net figure submitted by Sony to the arbitration (such delta of approximately \$20,000,000 is thought to be the largest fairmarket rent award for an office lease in California history and then recently represented TDC in the arbitration of the rent for the next five year period under such lease wherein TDC was awarded an aggregate rental award in

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excess of \$55 Million; (vi) represented Summit Properties in its lease to BART of 200,000 feet in Oakland (the largest East Bay deal of 2003); (vii) represented Equity Office Properties and Maguire Properties in the lease of 250,000 square feet to Electronic Arts in West Los Angeles (the largest West Los Angeles office lease deal of 2003); (viii) represented Douglas Emmett in its lease of 450,000 feet to Warner Brothers at Studio Plaza in Burbank, California (one of the largest office leases in Southern California in this decade and the fifth largest office lease in the United States in 2003); (ix) represented Boston Properties, Inc. in the lease of 300,000 square feet to Genetech Inc. in South San Francisco; (x) represented Beacon Capital Partner in the lease of 300,000 square feet to Capital Group and in the lease of 200,000 square feet to Bank of America at BP Plaza in Los Angeles; (xi) represent Equity Office Properties in its 350,000 square foot lease to Yahoo, Inc. at Colorado Center in Santa Monica, California (one of the largest leases in Los Angeles County in 2004); (xii) represented Transpacific Development Corporation in its sale of Lake Merritt Plaza in Oakland, California to Beacon Capital Partners for in excess of \$150,000,000; (xiii) represented Boston Properties Company in its sale of Embarcadero Center West to Teachers Insurance for in excess of \$200,000,000; (xiv) represented Kilroy Realty Corporation in its lease to Intuit of over 400,000 feet in San Diego, California (one of the largest build-to-suit leases in California in 2005); (xv) represented J. P. Morgan and McCarthy Cook & Company in its purchase of Trident Center in West Los Angeles, California; (xvi) represented Northridge Capital in its sale of Figueroa Plaza to Beacon Capital Partners for in excess of \$125,000,000; (xvii) represented Sumitomo Life Realty in its sale of 1000 Wilshire in downtown Los Angeles, California to Beacon Capital Partners for in excess of \$110,000,000 and its sale of Murdock Plaza in Westwood, California for in excess of \$125,000,000; (xviii) represented Stockbridge Capital Partners, LLC and McCarthy Cook & Company in the sale of their office portfolio (including properties in Costa Mesa, Los Angeles, and San Francisco, California) for in excess of \$800,000,000 to RREEF, (xix) represented CarrAmerica in its lease of approximately 500,000 square feet to Cisco in Milpitas, California, and (xx) represented Boston Properties in its lease of approximately 175,000 square feet at Embarcadero Two to O'Melveny & Meyers in San Francisco, California. He also is currently working on the following development transactions: (i) the development of the 1,100 acre Keauhou resort by Kamehameha Schools on the Island of Hawaii; (ii) the redevelopment of the Kaka'ako business district by Kamehameha Schools on Oahu, Hawaii; (iii) the development of the 600 acre Parks at Southport by Summit Commercial in West Sacramento, California; (iv) the development of the 900,000 square foot 2000 Avenue of the Stars office building which is part of the three office buildings project known as "Century Park," which project includes the Century Park Plaza Towers, and totals 3.0 million square feet (this is the largest office project in Southern California); (v) Kamehameha Schools' multi-million dollar renovation/repositioning of the 250,000 square foot retail mall known as the Royal Hawaiian Shopping Center (one of the most valuable retail projects in the United States) and in the restructuring of the adjacent Royal Hawaiian Hotel ground lease (one of the most valuable ground leases in Hawaii); and (vi) the City of Anaheim's in the multi-billion dollar proposed sale and development of a multi-phase mixed-use project with Archstone on a 55 acre site in the heart of the Platinum Triangle. Mr. Natsis is a member of the American College of Real Estate Lawyers, was recently selected as one of the 100 top "Super Lawyers" in Los Angeles County by Los Angeles Magazine, has been selected as a Member of the LawDragon 500 Top national Dealmakers, and is listed in the "Best Lawyers in America" publication.

Educational History:

Mr. Natsis graduated cum laude from the University of Michigan in 1980 with a bachelor's degree in business administration. He earned his JD from the University of Michigan in 1983. Tony, his wife Demetra, sons Nicko and George, and daughter Marialexa, reside in Los Angeles, California.

Exhibit 5

Allen Watkins

Attorneys

Michael McFadden: Associate

Practice Areas:

Real Estate



Description of Practice:

Michael McFadden serves as the Chairman of the firm's Century City Real Estate Group. In addition, Michael is an Advisory Board Member for the Ziman Center for Real Estate at UCLA, and was named a "Rising Star" in Los Angeles County by Los Angeles Magazine in 2007. Michael concentrates his practice in real estate transactions, specifically the development, leasing and ongoing management of office, retail, industrial and mixed-use projects. His practice includes the representation of landlord, tenant, sellers, buyers, developers and other users of real estate. In addition to commercial lease transactions, Michael negotiates and documents other types of real estate transactions, including build-to-suit transactions, purchase and sale transactions and various agreements governing the delivery of cutting-edge telecommunications services to tenants and other users. He is also one of the most experienced lawyers in California in connection with arbitrating fair market rental values. Michael regularly represents some of the largest national land owners, including Blackstone Real Estate, CarrAmerica Realty, Beacon Capital Partners, Maguire Properties, Kamehameha Schools (The Bishop Estate), Boston Properties, Equity Office Partners and Kilroy Realty, Inc., and some of the largest tenants in Southern California, including the Los Angeles Unified School District, The Walt Disney Company and the Los Angeles Times.

Mr. McFadden's recently completed transactions/dispute resolutions include the following:

- Performed extensive real estate services in connection with Blackstone Real Estate's purchase for \$43 billion of Equity Office Properties Trust.
- Twice (first in 2003 and again in 2007) successfully represented Transpacific Development Company ("TDC") in arbitration between TDC (landlord) and Sony Pictures Entertainment (tenant) to determine the five-year fair rental value of a 328,000 square foot office building in Culver City.
- Represented Boston Properties in its lease of approximately 150,000 square feet at "Three Embarcadero Center" to Bingham McCutchen, LLP in San Francisco, California.
- Represented Boston Properties, Inc. in the lease of 300,000 square feet to Genetech Inc. in South San Francisco.
- Represented Transpacific Development Corporation in its sale of "Lake Merritt Plaza" in Oakland, California to Beacon Capital Partners for approximately \$150,000,000.
- Represented Boston Properties in its lease of approximately 125,000 square feet at "Three Embarcadero Center" to Howard, Rice, Nemirovski, Canady, Falk & Rabkin in San Francisco, California.
- Represented Boston Properties Company in its sale of "Embarcadero Center West" to Teachers Insurance for in excess of \$200,000,000.
- Represented Kilroy Realty Corporation in its lease to Intuit of over 400,000 square feet in San Diego, California (one of the largest build-to-suit leases in California in 2005).
- Represented J. P. Morgan and McCarthy Cook & Company in its purchase of "Trident Center" in West Los Angeles, California.
- Successfully represented Beacon Capital Partners (landlord) in an arbitration with Citigroup North America Inc. (tenant) to determine the five-year fair rental value of approximately 110,000 square feet of space located at One Sansome Street, San Francisco, California.

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- Represented CarrAmerica in its lease of three (3) office building totaling approximately 500,000 square feet to Cisco in Milpitas, California.
- Successfully represented City of Richmond, California (tenant) against Marina Westshore Partners, LLC (landlord), in connection with the arbitration of the fair market rental value for property located at 1401 Marina Way South, Richmond, California.
- Represented The Walt Disney Company in its sale of "The Burbank Centre" in Burbank, California to The Worthe Real Estate Group, Inc. for approximately \$160,000,000.
- Represented Boston Properties in its lease of approximately 175,000 square feet at "Two Embarcadero Center" to O'Melveny & Meyers in San Francisco, California.
- Represented Kilroy Realty, Inc. in connection with its lease of approximately 300,000 square feet at "Kilroy Sabre Springs" to Bridgepoint Education, Inc., in San Diego, California
- Represented Lincoln Property Company in connection with its lease of three buildings at "Corporate Center – Calabasas" to Ixia, in Calabasas, California.
- Represented Maguire Properties (landlord) in connection Wells Fargo Bank's (tenant) renewal of two leases totaling over 400,000 square feet at "Wells Fargo Center", in Denver, Colorado.
- Represented Transpacific Development Corporation in its sale of "Pacific Park Plaza" in Honolulu, Hawaii to ScanlanKemperBard Companies, LLC, for in excess of \$85,000,000.

Michael has participated on the following panels:

- Real Property Law Section of the State Bar of California, 22nd Annual Retreat (2003)
"Pre-Bankruptcy Workouts with Troubled Tenants: Making Sure Landlords Get Silver, When There is No Longer Any Hope for Gold." Napa Valley, CA
- State Bar of California, 79th Annual Meeting (2006)
"Recent Developments in California Real Property Law." Monterey, CA
- BOMA Westside, Regional Activities Committee (2006)
"Emerging Trends in Office Leasing: Beginning of the Tenant Relationship" West Los Angeles, CA

Michael has authored or co-authored the following articles:

- *Credit Enhancements in Commercial Leasing Transactions* (LOYOLA OF LOS ANGELES LAW REVIEW, April 2002, Volume 35, Number 3);
- *Bankruptcy and Lease Credit Enhancements* (Chapter 47: CALIFORNIA COMMERCIAL LEASING SERIES; OFFICE LEASING – DRAFTING AND NEGOTIATING THE LEASE);
- *Security and Related Issues* (LEASE NEGOTIATION HANDBOOK, Edward Chupack, editor, 2003);
- *Case Alert – Redback Networks, Inc. V. Mayan Networks Corporation (In Re Mayan Networks Corp.* 306 B.R. 295 (9TH Cir. Bap 2004), CALIFORNIA REAL PROPERTY JOURNAL, Summer 2004, Volume 22, No. 3;
- *Fast-Moving Deals* (COMMERCIAL INVESTMENT REAL ESTATE MAGAZINE - November-December 2005).
- *"The Near Extinction of the Traditional Due Diligence Period; What to Expect and Do if You are a Prospective Buyer in a Competitive Investment Sales Process."* THE REAL ESTATE FINANCE JOURNAL, Spring 2006;
- *"A Wise Compromise."* COMMERCIAL INVESTMENT REAL ESTATE MAGAZINE, May-June 2006.

Prior to joining Allen Watkins, Michael spent eight years in the U.S. Navy, specializing in the operation, maintenance and repair of satellite communications facilities, and ten years at Hughes Communications Inc. (later, PanAmSat Corporation) as Manager of Telecommunications. He is a member of the State Bar of California, the Los Angeles County Bar Association, and the American

Bar Association.

Educational History:

Mr. McFadden received his Juris Doctor degree from Loyola Law School, where he graduated in the top 10% of his class and served as Managing Editor of the Loyola of Los Angeles Law Review and as a member of the St. Thomas More Law Honor Society. He received his Bachelor of Science degree in Information Systems from the University of Redlands.

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Exhibit 6



Monday, April 14, 2008

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ATTORNEY SEARCH

Kathleen Marie Sullivan - #242261

Current Status: Active

This member is active and may practice law in California.

See below for more details.

Profile Information

Bar Number	242261		
Address	Quinn Emanuel et al LLP 555 Twin Dolphin Dr #560 Redwood Shores, CA, 94065	Phone Number	(650) 801-5012
		Fax Number	(650) 801-5100
		e-mail	kathleensullivan@quinnmanuel.com
District	District 3	Undergraduate School	Cornell Univ; Ithaca NY
County	San Mateo	Law School	Harvard Univ Law School; Cambridge MA
Sections	None		

Status History

Effective Date	Status Change
Present	Active
5/25/2006	Admitted to The State Bar of California

[Explanation of member status](#)

Actions Affecting Eligibility to Practice Law

Disciplinary and Related Actions

This member has no public record of discipline.

Administrative Actions

This member has no public record of administrative actions.

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Exhibit 7

1 JOHN GARDNER HAYES, SB #41391
2 LAW OFFICES JOHN GARDNER HAYES
3 A Professional Corporation
4 11150 Olympic Boulevard, Suite 1050
5 Los Angeles, California 90064
6 Telephone: (310) 478-4711

7 Attorneys for Defendant
8 JOHN GOEMANS

9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11
12 FOR THE COUNTY OF SACRAMENTO

13
14 ERIC GRANT,) CASE NO. 07AS04172
15 Plaintiff,)
16 vs.) RESPONSE TO FORM
17 JOHN GOEMANS and DOES 1-10,) INTERROGATORIES, SET ONE
18 Inclusive,)
19 Defendants.)
20 _____)

21 PROPOUNDING PARTY: Plaintiff ERIC GRANT

22 RESPONDING PARTY: Defendant JOHN GOEMANS

23 SET NUMBER: ONE

24 Defendant JOHN GOEMANS hereby responds to Plaintiff ERIC GRANT's Form
25 Interrogatories, Set One, as follows:

26 PRELIMINARY STATEMENT

27 Investigation and discovery by this party are continuing. As discovery proceeds
28 witnesses, facts and evidence may be discovered which are not set forth herein, but which
may have been responsive to the discovery. Facts and evidence not known may be

- 1 a: the state or other issuing entity;
2 b: the license number and type;
3 c: the date of issuance; and
4 d: all restrictions.

5

6 **RESPONSE TO FORM INTERROGATORY NO. 2.4:**

7 No.

8 **FORM INTERROGATORY NO. 2.5:**

9 State:

- 10 A. your present residence ADDRESS:
11 b: your residence ADDRESSES for the last five years; and
12 c: the dates you lived at each ADDRESS:

13

14 **RESPONSE TO FORM INTERROGATORY NO. 2.5:**

- 15 a. 120 S. Reeves, Beverly Hills, CA.
16 b. Not applicable.
17 c. 2004-present.

18

19 **FORM INTERROGATORY NO. 2.6:**

20 State:

- 21 a: the name, ADDRESS, and telephone number of your present employer or
22 place of self employment or place of self-employment; and
23 b: the name, ADDRESS, dates of employment, job title, and nature of work for
24 each employer or self-employment you have had from five years before the
25 INCIDENT until today.

26

27 **RESPONSE TO FORM INTERROGATORY NO. 2.6:**

1
2 **VERIFICATION**
3

4 STATE OF CALIFORNIA
5 COUNTY OF LOS ANGELES
6

7 I have read the foregoing JOHN GOEMAN'S RESPONSE TO FORM
8 INTERROGATORIES, SET ONE and know its contents.
9

10 I am a party to this action. The matters stated in the foregoing document are true of my
11 own knowledge except as to those matters which are stated on information and belief, and
12 as to those matters I believe them to be true.
13

14 I am an ___ Officer ___ Employee ___ a Partner of a party to this action, and am
15 authorized to make this verification for and on its behalf, and I make this
16 verification for that reason.
17

18 I am informed and believe and on that ground allege that the matter
19 stated in the foregoing document are true.
20

21 The matters stated in the foregoing document are true of my own
22 knowledge except as to those matters which are stated on
23 information and belief, and as to those matters, I believe them to be
24 true.
25

26 I am one of the attorneys for _____, a party to this action. Such
27 party is absent from the county of aforesaid where such attorneys have their offices,
28 and I make this verification for and on behalf of that party for that reason. I am
 informed and believe and on that ground allege that the matters stated in the
 foregoing documents are true.

19 Executed on 12/8/07, at LV.

20 I declare under penalty of perjury under the laws of the State of California that the above is
21 true and correct.
22

23 
 PRINTED NAME

24 
 SIGNATURE

25 **THIS VERIFICATION MAY BE EXECUTED VIA FACSIMILE, AND A FACSIMILE**
26 **SIGNATURE WILL HAVE THE SAME LEGAL EFFECT AS AN ORIGINAL**
27 **SIGNATURE.**
28

Exhibit 8

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About the Foundation

Board of Directors

As established in the Foundation's articles of incorporation, the members of the Board of Directors are limited to the five sitting trustees of the Kamehameha Schools.

We are extremely fortunate to have the expertise and leadership of the following:

- ❖ Nainoa Thompson, Master Navigator
- ❖ Diane J. Plotts, Real Estate Veteran
- ❖ Robert K. U. Kihune '55, retired Vice Admiral
- ❖ J. Douglas Ing '62, Attorney
- ❖ Corbett Kalama, First Hawaiian Bank Executive Vice President

About Us Menu

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- ❖ Message from Lynn
- ❖ Board of Directors
- ❖ Meet the Staff
- ❖ Annual Report ([pdf](#))
- ❖ FAQs

Giving

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Ke Ali'i Pauahi Foundation
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Honolulu, HI 96813

Phone: (808) 534-3966

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Exhibit 9



AVAILABLE KAPF SCHOLARSHIPS

Listed below are the available scholarships for the 2006-2007 academic year. Past or projected scholarship amounts are provided for informational purposes only and amounts may vary depending on the number of qualified applicants, fund investment performance and other factors.

GENERAL SCHOLARSHIPS

• Anne H. Myers Scholarship Fund [2005: 1 scholarship @ \$400 awarded]	Supports the education of a Hawai'i resident enrolled full-time in an accredited college in a degree-seeking program with a successful record of academic achievement.
• Dan and Rachel Mahi Educational Scholarship [2005: 1 scholarship @ \$800 awarded]	Established by the Mahi 'Ohana to honor their parents, Dan and Rachel Mahi, who made huge sacrifices to ensure a good education for their children. Provides for educational scholarships to undergraduate or graduate students that demonstrate a financial need and have a cumulative GPA of 2.0 or higher. Additional Items required: <ul style="list-style-type: none">• Three letters of recommendation from teachers or counselors; and• One letter of recommendation from others(e.g. employer, personal acquaintances or community organization)
• Daniel Kahikina and Millie Akaka Scholarship [2005: 1 scholarship @ \$800 awarded]]	Established in recognition of U.S. Senator Daniel Kahikina Akaka's commitment to education and the indigenous people of Hawaii. Provides for educational scholarships to undergraduate or graduate students that demonstrate a financial need and has a cumulative GPA of 3.2 or higher. Recipients are strongly encouraged to provide a minimum of 10 hours of community service to the Council for Native Hawaiian Advancement. Additional Items required: <ul style="list-style-type: none">• Three letters of recommendation from your school, employer, personal acquaintances or community organization
• Denis Wong & Associates Scholarship [2005: 2 scholarships @ \$1,100 each awarded]	For an outstanding student pursuing an undergraduate degree in liberal arts or science or a graduate degree in a professional field from an accredited university. Recipient must have a well-rounded and balanced record of achievement in preparation for career objectives.
• Edwin Mahiai Copp Beamer Scholarship [2005: 1 scholarship @ \$1,000 awarded]	Honors the lifetime performance career of singer, pianist, composer and Hawaiian cultural resource Edwin Mahiai Copp Beamer. For a post-secondary student pursuing a career in music, specifically piano and/or voice, with emphasis on Hawaiian music, opera or musical theatre. Must demonstrate a serious commitment to music training, a career in music and dedication to artistic excellence. Additional items required: <ul style="list-style-type: none">• Applicants must submit a personal essay describing their background, musical accomplishments and educational goals.• Finalists will be asked to conduct an informal musical performance or provide a video of their performance for non-Hawaii applicants.
• George Hi'ilani Mills Perpetual Fellowship Award [2005: 2 scholarships @ \$1,450 each awarded]	Honors outstanding professional and civic achievements of the late Dr. George H. Mills. Provides a monetary grant to a classified graduate student pursuing professional studies in the field of medicine or the allied health-related fields. Must demonstrate financial need.
• Gladys Kamakauokalani Ainoa Brandt Scholarship [2005: 3 scholarships @ \$2,350 each awarded]	Honors outstanding state, national and international educational achievements of Gladys Kamakauokalani Ainoa Brandt. Provides scholarships for full time junior, senior or graduate students at an accredited university aspiring to enter the educational profession. Priority will be given in the following order to current or former residents of Kaua'i, Maui, Lāna'i, Hawa'i, Moloka'i and O'ahu. A cumulative GPA of 2.5 or higher is required.
• Inspirational Educator Scholarship [2005: 1 scholarship @ \$900 awarded]	In recognition of inspirational educators who have made a difference in the lives of students, this endowment provides educational scholarships for full or part-time college students pursuing a career in the field of education. Additional item required: <ul style="list-style-type: none">• Submit an essay (maximum 2-page, double spaced) on 1) your commitment to education; 2) your previous experiences working or volunteering in the Hawaiian community; 3) your willingness to teach in the Hawaiian community; and 4) how you would use your scholarship for future educational costs• Three letters of recommendation
• Johnny Pineapple Scholarship Fund [2005: 2 scholarships @ \$500 each awarded]	In recognition of David Kaonohi, a talented musician and performer, who performed many years under the stage name of Johnny Pineapple. This scholarship is for full-time students pursuing a degree in Hawaiian Language or Hawaiian studies at an accredited institution of higher learning. Additional Items required: <ul style="list-style-type: none">• Three letters of recommendation from your school, employer, personal acquaintances or community organization
• Kamehameha Schools Alumni Association – Maui Region Scholarship [New: 20 scholarships @ \$500 each projected]	This scholarship will assist students pursuing post-high educational opportunities that are residents of the Island of Maui and did not graduate from Kamehameha Schools. Applicants must demonstrate academic achievement or excellence, service to the community and have a financial need. Additional Items required: <ul style="list-style-type: none">• Two letters of recommendation from your school, employer or community organization
• Kamehameha Schools Alumni Association – Northern California Scholarship [2005: 2 scholarships @ \$700 each awarded]	This scholarship will assist students pursuing post-high educational opportunities with an emphasis on non-traditional students (e.g. students pursuing a career change, students furthering their career, or students with dependents). Preference will be given to those non-traditional students whose permanent residence is in Northern California (State of California addresses north of and including the city of San Luis Obispo) and are of Hawaiian ancestry. A supplemental KSAA – NCR scholarship addendum is required; please see www.pauahi.org

<ul style="list-style-type: none"> • Ka Poli O Kaiona Scholarship [2005: 1 scholarship @ \$700 awarded] 	<p>Established by the Kamehameha Schools Class of 1968 for scholarships to students pursuing a two-year, four-year or graduate degree from an accredited post-high institution. Applicants must possess a minimum 2.8 cumulative GPA and demonstrate a financial need. Preference will be given to family members (as defined) of Kamehameha Schools Class of 1968 graduates.</p> <p>Additional Items required:</p> <ul style="list-style-type: none"> • Two letters of recommendation from your school, employer or community organization • Personal statement on how this award would support and extend the legacy of Pauahi
<ul style="list-style-type: none"> • KS Class of 1974 Scholarship [2005: 1 scholarship @ \$700 awarded] 	<p>Established by the Kamehameha Schools Class of 1974 to provide scholarships to students enrolled at a post-high institution including non-traditional programs such as Hawaiian culture or self-improvement seminars. Applicants must have at least a 2.8 cumulative GPA or have a SAT score of at least 850 and have a financial need. Preference will be given to family members (as defined) of Kamehameha Schools Class of 1974 graduates.</p> <p>Additional items required:</p> <ul style="list-style-type: none"> • One letter of recommendation each from an applicant's teacher and a community organization representative
<ul style="list-style-type: none"> • Native Hawaiian Visual Arts Scholarship [2006: 1 scholarship @ \$1,000 projected] 	<p>Scholarship encourages University of Hawai'i-Mānoa undergraduate and graduate students majoring in Art to pursue the area of visual arts such as drawing, painting, graphic design, sculpture, ceramics, photography, etc. Selection based on artistic merit as demonstrated by an artistic portfolio, resume and academic achievements. A cumulative GPA of 3.2 or higher is required.</p> <p>Additional item required:</p> <ul style="list-style-type: none"> • Submission of a portfolio of artistic works created • Artist's statement on career goals and how they will enrich the Hawaiian community
<ul style="list-style-type: none"> • Nā Hoaloha O Kamehameha Class of '52 Scholarship [2005: 1 scholarship @ \$700 awarded] 	<p>Established by the Kamehameha Schools Class of 1952 to provide a wide array of educational opportunities for students to assure that more students will realize that Pauahi's legacy lives. This scholarship assist students pursuing a certificate or degree from an accredited vocational/business school or a two or four year post-high school institution and that demonstrates financial need. A cumulative GPA of 2.0 or higher is required.</p>
<ul style="list-style-type: none"> • "Proud to be 73" Scholarship [2005: 3 scholarships @ \$200 each awarded] 	<p>Established by the Kamehameha Schools Class of 1973 to provide scholarships to students pursuing a wide array from educational providers including but not limited to college, vocational school, cultural training/knowledge classes, and professional/personal advancement seminars. Preference will be given to Kamehameha Schools Class of 1973 graduates or their family members (as defined).</p>
<ul style="list-style-type: none"> • Sarah Keli'iilene Lum Konia Nakoa Hawaiian Language Perpetual Scholarship [2005: 1 scholarship @ \$400 awarded] 	<p>A need-based scholarship for a State of Hawai'i resident pursuing a undergraduate or graduate degree in Hawaiian language as a full-time student at an accredited university in the State of Hawai'i. Applicants must submit a clear and realistic plan to pursue a degree program in Hawaiian language.</p>
<ul style="list-style-type: none"> • Ula Baker Sheecha Fund [2006: 2 scholarships @ \$2,500 each projected] 	<p>Supports an artistically talented Kamehameha Schools graduate pursuing a career as an artist, with strong preference to students pursuing a career in watercolor or painting. Scholarship to be used for post-high study including college, art school or any special art training.</p>

GRADUATE/DOCTORATE DEGREE SCHOLARSHIPS	
<ul style="list-style-type: none"> • Goldman Sachs / Matsuo Takabuki Commemorative Scholarship [2005: 5 scholarships @ \$8,000 each awarded] 	<p>Established by Goldman Sachs, a leading global investment banking firm and retired Kamehameha Schools Trustee Matsuo Takabuki. Provides educational scholarships for students pursuing graduate degrees in business or financial services related fields. Preference given to those demonstrating financial need and a resident of Hawai'i.</p>
<ul style="list-style-type: none"> • Myron & Laura Thompson Scholarship [2005: 1 scholarship @ \$1,300 awarded] 	<p>Honors former Kamehameha Schools Trustee Myron "Pinky" Thompson. Provides educational scholarships for students pursuing a degree in the field of early childhood education. Priority will be given to the following order to eligible applicants pursuing a doctorate, graduate and undergraduate degree programs. Must demonstrate strong inner direction, embrace Hawaiian values and demonstrate financial need.</p>
<ul style="list-style-type: none"> • Iwalani Carpenter Sowa Scholarship [2006: 1 scholarship @ \$800 projected] 	<p>Established in memory of Theodore Ka'ahe Kakelaka. This scholarship assists those that are pursuing a graduate degree in the Protestant Christian ministry and who have a desire to minister in Hawai'i. Preference will be given to a Kamehameha Schools graduate and those demonstrating financial need.</p> <p>Additional items required:</p> <ul style="list-style-type: none"> • Two letters of recommendation from your school, employer or community organization
<ul style="list-style-type: none"> • Native Hawaiian Chamber of Commerce Scholarship [2005: 4 scholarships @ \$1,500 each awarded] 	<p>This scholarship is funded by the Native Hawaiian Chamber of Commerce through its annual 'O'ō Award fundraising event. Provides a scholarship for those students enrolled as a classified student in a graduate degree-seeking program from an accredited post-high educational institution majoring in Business Administration. A cumulative GPA of 3.0 or higher is required.</p>
<ul style="list-style-type: none"> • William S. Richardson Commemorative Scholarship [2005: 8 scholarships @ \$900 each awarded] 	<p>Honors retired Kamehameha Schools Trustee William S. Richardson. Provides educational scholarships for students pursuing graduate degrees at the University of Hawai'i-Mānoa, William S. Richardson School of Law. Preference given to those demonstrating financial need.</p>