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10 Attorneys for Defendants and Crossclaim  
 11 Defendants KAMEHAMEHA  
 SCHOOLS/BERNICE PAUAHI BISHOP  
 12 ESTATE; J. DOUGLAS ING, NAINOA  
 THOMPSON, DIANE J. PLOTTS, ROBERT  
 13 K.U. KIHUNE, and CORBETT A.K. KALAMA,  
 in their capacities as Trustees of the Kamehameha  
 14 Schools/Bernice Pauahi Bishop Estate

15 UNITED STATES DISTRICT COURT  
 16 EASTERN DISTRICT OF CALIFORNIA

17 ERIC GRANT,  
 18 Plaintiff,  
 19 v.  
 20 KAMEHAMEHA SCHOOLS/BERNICE PAUAHI BISHOP  
 ESTATE; J. DOUGLAS ING, NAINOA THOMPSON, DIANE  
 21 J. PLOTTS, ROBERT K.U. KIHUNE, and CORBETT A.K.  
 KALAMA, in their capacities as Trustees of the Kamehameha  
 Schools/Bernice Pauahi Bishop Estate; JOHN DOE; and JANE  
 22 DOE,  
 23 Defendants.

24 JOHN DOE and JANE DOE,  
 Cross and Counter-Claimants,  
 25 v.  
 26 KAMEHAMEHA SCHOOLS/BERNICE PAUAHI BISHOP  
 ESTATE; J. DOUGLAS ING, NAINOA THOMPSON, DIANE  
 27 J. PLOTTS, ROBERT K.U. KIHUNE, and CORBETT A.K.  
 KALAMA, in their capacities as Trustees of the Kamehameha  
 Schools/ Bernice Pauahi Bishop Estate; and ERIC GRANT,  
 28 Crossclaim Defendants.

No. 08-00672 FCD-KJM

STIPULATION AND  
 [PROPOSED] ORDER  
 REGARDING  
 NONDISCLOSURE

1 James Banks, counsel for Plaintiff/Counter-Claim Defendant Eric Grant; Jerry  
2 Stein, counsel for Defendant/Counter- and Cross-Claimants John and Jane Doe (together, “the  
3 Does”); and Paul Alston, Charlene S. Shimada and Robert A. Brundage, counsel for Defendants  
4 and Crossclaim Defendants Kamehameha Schools/Bernice Pauahi Bishop Estate and J. Douglas  
5 Ing, Nainoa Thompson, Diane J. Plotts, Robert K.U. Kihune, and Corbett A.K. Kalama, in their  
6 capacities as Trustees of the Kamehameha Schools/Bernice Pauahi Bishop Estate (collectively,  
7 “Kamehameha Schools”) came before the Court for hearing on April 17, 2008.

8 After discussion, the Parties agreed as follows:

9 1. Pending further order of the Court, Kamehameha Schools will not, directly or  
10 indirectly, disclose the identities of one or both of the Does. Provided, however, that nothing  
11 herein will limit Kamehameha Schools’ rights to seek this Court’s approval for any disclosure  
12 authorized under the May 2007 Settlement Agreement.

13 2. Kamehameha Schools may move for an order permitting disclosure upon  
14 notice briefing and hearing. Kamehameha Schools will not seek to have any hearing on such a  
15 motion held on shortened notice unless the disclosure is a compulsory disclosure (*i.e.*, for  
16 regulatory reasons, in response to a subpoena, or other court order) and circumstances beyond  
17 Kamehameha Schools’ ability to control prevent approval on a noticed motion set in the ordinary  
18 course without shortening time. Kamehameha Schools will give counsel for the Does and Grant  
19 immediate written notice of any circumstance which might necessitate such shortened notice.

20 3. All of Kamehameha Schools’ objections to personal and subject matter  
21 jurisdiction are preserved and this stipulation shall not prejudice Kamehameha Schools in any  
22 way with respect thereto. Kamehameha Schools’ right to object to venue and seek a transfer of  
23 venue of this case pursuant to 28 U.S.C. § 1404 et seq. is similarly preserved intact.

24 4. Counsel for Kamehameha Schools, without waiving any of the rights and  
25 objections retained in the preceding paragraph, will forthwith waive service of Grant's complaint  
26 pursuant to Federal Rule of Civil Procedure 4(d). Kamehameha Schools shall answer, move or  
27 otherwise respond to both the complaint and the Does’ crossclaim on or before June 9, 2008,  
28 unless the parties hereafter agree otherwise.



1 IT IS SO ORDERED.

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3 DATED: April \_\_\_\_\_, 2008

By: \_\_\_\_\_

HON. FRANK C. DAMRELL, JR.  
United States District Judge

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