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

17 UNITED STATES DISTRICT COURT

18 EASTERN DISTRICT OF CALIFORNIA

19 ERIC GRANT,

20 Plaintiff,

21 v.

22 KAMEHAMEHA SCHOOLS/BERNICE
PAUAHI BISHOP ESTATE; J. DOUGLAS
ING, NAINOA THOMPSON, DIANE J.
23 PLOTTS, ROBERT K.U. KIHUNE, and
CORBETT A.K. KALAMA, in their capacities
24 as Trustees of the Kamehameha
Schools/Bernice Pauahi Bishop Estate; JOHN
25 DOE; and JANE DOE,

26 Defendants.

27 And Related Cross and Counterclaims.
28

No. 08-00672 FCD-KJM

DECLARATION OF PAUL ALSTON IN
SUPPORT OF THE KAMEHAMEHA
SCHOOLS DEFENDANTS AND
CROSS-CLAIM DEFENDANTS'
MOTION TO DISMISS; EXHIBITS 4-5;
7-9, 23 AND 24

Date: October 31, 2008

Time: 10:00 a.m.

Courtroom: 2

Before: Hon. Frank C. Damrell, Jr.

1 I, Paul Alston, declare as follows:

2 1. I am a shareholder and director in the law firm of Alston Hunt Floyd &
3 Ing, co-counsel in this action for defendants and cross-claim defendants Kamehameha
4 Schools/Bernice Pauahi Bishop Estate and J. Douglas Ing, Nainoa Thompson, Diane J. Plotts,
5 Robert K.U. Kihune, and Corbett A.K. Kalama in their capacities as Trustees of the
6 Kamehameha Schools/Bernice Pauahi Bishop Estate (collectively "KS").

7 2. I make this declaration based upon personal knowledge and am competent
8 to testify to the matters stated in this declaration.

9 3. In a meeting of the parties held by teleconference on April 24, 2008,
10 counsel for the parties agreed to exchange informal discovery requests in letter form in order to
11 expedite discovery on threshold jurisdictional and venue issues.

12 4. Accordingly, on May 6, 2008, I sent on behalf of KS a letter to Jerry Stein,
13 counsel for defendants and cross-claimants John Doe and Jane Doe, and to James Banks, counsel
14 for plaintiff Eric Grant, informally requesting documents and information.

15 5. On May 16, 2008, I received a letter from plaintiff Eric Grant responding
16 to KS' discovery requests to Mr. Grant. The letter sets forth KS's questions, then Mr. Grant's
17 answers. A true and correct copy of Mr. Grant's response, as supplemented on July 8, 2008, is
18 attached as Exhibit 4.

19 6. On May 16, 2008, I received a letter from Mr. Stein responding to KS'
20 informal discovery requests to the Does. The letter sets forth KS's questions, then the Does'
21 answers. A true and correct copy of the Does' response is attached as Exhibit 5.

22 7. Attached as Exhibit 7 is a true and correct copy of Defendants and
23 Counter-Claimants John Doe and Jane Doe's ("Does") Answer to Complaint for Declaratory
24 Relief; Demand for Jury Trial, filed in this action on April 1, 2008.

25 8. Attached as Exhibit 8 is a true and correct copy of Plaintiff Eric Grant's
26 Complaint for Declaratory Relief; Demand for Jury Trial, filed in this action on March 28, 2008.

27 9. Attached as Exhibit 9 is a true and correct copy of Does' Cross-Claim for
28 Temporary Retraining Order; Preliminary Injunction; and Permanent Injunction; and for

1 Declaratory Relief; and Counter-Claim for Indemnity; Demand for Jury Trial, filed in this action
2 on April 1, 2008.

3 10. A true and correct copy of the Settlement and Mutual Release Agreement,
4 dated September 2, 2007 (“Settlement Agreement”) which we received from Mr. Stein on June
5 19, 2008, pursuant to our informal discovery request is submitted separately under seal as
6 Exhibit 23.

7 11. A true and correct copy of Exhibit A to the Settlement Agreement which
8 we received from Mr. Stein on June 21, 2008, pursuant to our informal discovery request, is
9 submitted separately under seal as Exhibit 24.

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

11 DATED: Honolulu, Hawai`i, July 9, 2008.

12
13 /s/ Paul Alston

14 PAUL ALSTON

15 (original signature retained by Paul Alston)
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