

**U.S. District Court  
District of Hawaii (Hawaii)  
CIVIL DOCKET FOR CASE #: 1:03-cv-00316-ACK-LEK**

Doe v. Kamehameha Schools, et al  
Assigned to: JUDGE ALAN C KAY  
Referred to: JUDGE LESLIE E KOBAYASHI  
Demand: \$0  
Case in other court: 04-15044  
Cause: 42:1981 Civil Rights

Date Filed: 06/25/2003  
Date Terminated: 12/19/2003  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights:  
Other  
Jurisdiction: Federal Question

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
06/25/2003	1	COMPLAINT for declaratory relief, injunctive relief and damages; demand for jury trial; (Summons(es) issued) (fe) (Entered: 06/26/2003)
06/25/2003		FILING FEE PAID in the amount of \$ 150.00, receipt # 216555 (fe) (Entered: 06/26/2003)
06/25/2003	2	ORDER by Judge David A. Ezra rule 16 conference set for 9:00 9/22/03 before Mag Judge Leslie E. Kobayashi (fe) (Entered: 06/26/2003)
06/30/2003	3	Application of James F. Sweeney of Sweeney & Grant to appear pro hac vice and Order granting by Mag Judge Leslie E. Kobayashi for plaintiff John Doe - (sm) (Entered: 07/02/2003)
06/30/2003	4	Application of Eric Grant of Sweeney & Grant to appear pro hac vice and Order granting by Judge Leslie Kobayashi for plft John Doe (sm) Modified on 08/11/2003 (Entered: 07/02/2003)
07/16/2003	5	ANSWER by defendant Kamehameha Schools, defendant Constance Lau, defendant Nainoa Thompson, defendant Diane J. Plotts, defendant Robert K.U. Kihune, defendant J. Douglas Ing, in their capacities as trustees of the estate of Bernice Pauahi Bishop Estate DBA Kamehameha Schools, to complaint for declaratory relief, injunctive relief, and damages filed June 25, 2003; certificate of service [1-1] (sm) (Entered: 07/16/2003)
07/16/2003	6	APPLICATION of Emmett B. Lewis to appear Pro Hac Vice; consent of David Schulmeister; declaration of Emmett B. Lewis; ORDER by Mag Judge Leslie E. Kobayashi granting application; certificate of service - attorney Emmett B. Lewis to appear pro hac vice for defendants; LOCAL COUNSEL: David Schulmeister/Cades Schutte (afc) (Entered: 07/18/2003)
07/16/2003	7	APPLICATION of Jay L. Carlson to appear Pro Hac Vice; Consent of David Schulmeister; declaration of Jay L. Carlson; ORDER by Mag Judge Leslie E. Kobayashi granting application; certificate of service - attorney

**EXHIBIT 2**

		Jay L. Carlson to appear pro hac vice for defendants; LOCAL COUNSEL: David Schulmeister/Cades Schutte (cc: all counsel) (afc) Modified on 08/11/2003 (Entered: 07/21/2003)
08/12/2003	8	EO :Status Conference set for 08/13/2003 01:30:00 PM before LEK. Kelly LaPorte to notify all parties. ; settlement/status conference set for 1:30 8/13/03 before Mag Judge Leslie E. Kobayashi () Mag Judge Leslie E. Kobayashi (sm) (Entered: 08/14/2003)
08/13/2003	9	EP :Status Conference held. Eric Grant participated by phone. Parties have agreed to use 11/17/03 as the reserved hearing date for Motions for Summary Judgment. Reserved hearing date of 9/29/03 is stricken from the Court's calendar. Parties will be submitting a Joint request, stipulation as to the briefing schedules for the Motions for Summary Judgment. Included in the joint request will be requests to exceed page limits for memorandums. Plaintiffs' counsel indicated that a second student may brought into this case. Parties are to meet and confer. Possible stipulation to file Amended complaint to be submitted. status conference held 8/13/03 before Mag Judge Leslie E. Kobayashi ( Ct Rptr : C7, no record) JUDGE Mag Judge Leslie E. Kobayashi (sm) (Entered: 08/14/2003)
08/14/2003	10	EP : Status Conference: Discussion held regarding the status of the law suit. Action involving new plaintiff should be filed as a separate law suit because it involves some issues that are different from those issues involved in the present one. before Judge Alan C. Kay ( Ct Rptr : Debbie Chun) JUDGE Judge Alan C. Kay (sm) (Entered: 08/18/2003)
08/18/2003	11	RETURN OF SERVICE left copies thereof with receptionist at the office of the defendants 567 South King Street, Suite 200, Honolulu, Hi 96813 on 6/27/03 by John Goemans (sm) (Entered: 08/19/2003)
08/22/2003	12	STIPULATION regarding plaintiff's motion for partial summary judgment and defendant's counter-motion for partial summary judgment and ORDER by Judge David A. Ezra for Judge Alan C. Kay; M/PSJ filed no later than 8/25/03; opp filed no later than 9/22/03; reply in support of M/PSJ and opp to M/PSJ filed no later than 10/20/03; reply in support of M/PSJ filed no later than 11/6/03; Hearing Plft M/PSJ and KS M/PSJ set 11/17/03 (sm) Modified on 08/26/2003 (Entered: 08/22/2003)
09/04/2003	14	EO: COURT ACTION: Before the Court is the Stipulated Protective Order ("Stipulated Order") filed on September 4, 2003, that has been submitted by Plaintiffs John Doe, a minor, by his mother and next friend, Jane Doe ("Plaintiffs"), and Defendants Kamehameha Schools/Bernice Pauahi Bishop Estate; and Constance H. Lau, Nainoa Thompson, Diane J. Plotts, Robert K.U. Kihune, and J. Douglas Ing, in their capacities as Trustees of the Kamehameha Schools/Bernice Pauahi Bishop Estate ("Defendants"). The stipulated order provides for the filing of confidential information under seal with the Court: L. Filing Documents With The Court. All information

designated as Confidential Information which is filed or lodged with the Court, or any pleading or memorandum purporting to reproduce or paraphrase such information, shall be filed or lodged in sealed containers on which shall be recorded the title to this Action, the general nature of the contents, the words "CONFIDENTIAL" . Thus, the Stipulated Order, if permitted, would provide the parties with the ability to file documents under seal, without first making any showing as to the good cause for a protective order to issue on a document by document basis. Historically, judicial records and documents have been open to inspection by the public. See *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 597-99 (1978); see also *Brown & Williamson Tobacco Corp. v. FTC*, 710 F.2d 1165, 1178 (6th Cir. 1983), cert. denied, 465 U.S. 1100 (1984). "Public access serves to promote trustworthiness of the judicial process, to curb judicial abuses, and to provide the public with a more complete understanding of the judicial system, including a better perception of its fairness." *Littlejohn v. BIC Corp.*, 851 F.2d 673, 677-78 (3d Cir. 1988). Moreover, the Ninth Circuit has consistently emphasized that absent a showing that "good cause" exists for a protective order to issue, access to the judicial record is presumptively public. See, e.g., *Phillips v. General Motors Corp.*, 307 F.3d 1206, 1210 (9th Cir. 2002) ("Generally, the public can gain access to litigation documents and information produced during discovery unless the party opposing disclosure shows good cause' why a protective order is necessary."); *San Jose Mercury News, Inc. v. U.S. Dist. Ct.*, 187 F.3d 1096, 1103 (9th Cir. 1999) ("It is well-established that the fruits of pre-trial discovery are, in the absence of a court order to the contrary, presumptively public. Rule 26(c) authorizes a district court to override this presumption where good cause' is shown."). If documents are attached to summary judgment motions, an even higher showing must be demonstrated in order to merit the protected status of being filed under seal. See *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1136 (9th Cir. 2003)(holding that documents filed under seal pursuant to a stipulated protective order and attached to a dispositive motion must meet with "compelling reasons" standard). The presumption in favor of public access, therefore, requires that the courts exercise their authority to seal or otherwise deny public access to documents or proceedings in a manner consistent with Rule 26(c). "In the context of discovery it is well-established that a party wishing to obtain an order of protection over discovery material must demonstrate that good cause' exists for the order of protection." *Pansy v. Borough of Stroudsburg*, 23 F.3d 772, 786 (3d Cir. 1994) (citing Fed. R. Civ. P. 26(c)). In the absence of a showing of good cause for confidentiality, judicial records remain freely accessible by the public. See *Public Citizen v. Liggett Group*, 858 F.2d 775, 789-90 (1st Cir. 1988), cert. denied, 488 U.S. 1030 (1989); see also *San Jose Mercury*, 187 F.3d at 1103. For the foregoing reasons, the Stipulated Order is DENIED WITHOUT PREJUDICE. The parties are encouraged to submit a stipulated protective order that does not include a provision for filing documents with the court under seal without prior court

		approval. IT IS SO ORDERED. Cc: all counsel [13-1] () JUDGE Mag Judge Leslie E. Kobayashi (sm) (Entered: 09/06/2003)
09/04/2003	13	Stipulated PROTECTIVE ORDER by Mag Judge Leslie E. Kobayashi (sm) (Entered: 09/08/2003)
09/12/2003	15	NOTICE OF MOTION and motion by plaintiff John Doe for summary judgment with respect to declaratory and injunctive relief set for 9:30 11/17/03 before Judge Alan C. Kay (sm) Modified on 09/18/2003 (Entered: 09/12/2003)
09/12/2003	16	MEMORANDUM of law in support of motion for summary judgment with respect to declaratory and injunctive relief by plaintiff John Doe [14-1] (sm) Modified on 09/18/2003 (Entered: 09/12/2003)
09/12/2003	17	Concise STATEMENT of material facts in support of motion for summary judgment with respect to declaratory and injunctive relief by plaintiff John Doe in [14-1] (sm) Modified on 09/18/2003 (Entered: 09/12/2003)
09/12/2003	18	APPEARANCE OF COUNSEL for defendant Constance Lau, defendant Nainoa Thompson, defendant Diane J. Plotts, defendant K.U. Kihune, defendant J. Douglas Ing by Crystal K. Rose, Bruce D. Voss (sm) Modified on 09/18/2003 (Entered: 09/15/2003)
09/15/2003	19	SCHEDULING CONFERENCE STATEMENT by plaintiff John Doe (sm) Modified on 09/18/2003 (Entered: 09/15/2003)
09/15/2003	20	NOTICE OF MOTION and motion by plaintiff John Doe for leave to file documents in sealed envelopes ; referred to Judge Leslie Kobayashi (sm) Modified on 09/18/2003 (Entered: 09/15/2003)
09/15/2003	21	Initial DISCLOSURE of defendant Constance Lau, defendant Nainoa Thompson, defendant Diane J. Plotts, defendant Robert K.U. Kihune, defendant J. Douglas Ing, in their capacities as trustees of the estate of Bernice Pauahi Bishop estate dba Kamehameha Schools; certificate of service (sm) Modified on 09/18/2003 (Entered: 09/16/2003)
09/15/2003	22	SCHEDULING CONFERENCE STATEMENT by defendant Constance Lau, defendant Nainoa Thompson, defendant Diane J. Plotts, defendant Robert K.U. Kihune, defendant J. Douglas Ing, in their capacities as trustees of the Estate of Bernice Pauahi Bishop Estate dba Kamehameha Schools; certificate of service(sm) Modified on 09/18/2003 (Entered: 09/16/2003)
09/15/2003	23	Joint REPORT OF PARTIES PLANNING MEETING by defendant Constance Lau, defendant Nainoa Thompson, defendant Diane J. Plotts, defendant Robert K.U. Kihune, defendant J. Douglas Ing; certificate of service (sm) Modified on 09/18/2003 (Entered: 09/16/2003)
09/16/2003	24	EO : COURT ACTION: The Court, having reviewed Plaintiff's Motion for Leave to File Documents in Sealed Envelopes ("Motion"), filed September

15, 2003, hereby informs the parties of its inclination to grant in part and deny in part the motion on the basis that Plaintiff John Doe, a minor, by his mother and next friend, Jane Doe ("Plaintiff") has carried the burden of demonstrating good cause as required under Fed. R. Civ. P. 26(c), and has also met the "compelling reasons" standard which governs filing documents under seal that are attached to substantive motions, as to the two applications, and certain information contained in the correspondence from Kamehameha Schools' Director of Admissions. See *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1136 (9th Cir. 2003) (holding that documents filed under seal pursuant to a stipulated protective order and attached to a dispositive motion must meet with "compelling reasons" standard). Specifically, the overwhelming majority of the two applications attached as Exhibits "E" and "G" to the Motion, consist of personal information normally accorded confidential protection, including social security numbers, yearly income, home address and telephone numbers, and identification of family members and relationships. With regard to the correspondence attached as Exhibits "F" and "H" to the Motion, the Court is inclined to find that Plaintiff has made the requisite showing only as to the name and address of the addressee, the name of the applicant, and the application identification number. The remainder of the correspondence appear to be standard information sent to applicants. Thus, the Court is inclined to find that Exhibits "F" and "H" should not be permitted to be filed under seal and should instead be filed in a redacted form with only those portions for which Plaintiff has demonstrated compelling reasons to be filed under seal. In light of the Court's inclination, Defendants Kamehameha Schools/Bernice Pauahi Bishop Estate; and Constance H. Lau, Nainoa Thompson, Diane J. Plotts, Robert K.U. Kihune, and J. Douglas Ing, in their capacities as Trustees of the Kamehameha Schools/Bernice Pauahi Bishop Estate ("Defendants") shall file their opposition memorandum no later than October 3, 2003, and the matter is scheduled for hearing on October 10, 2003, at 10:00 a.m. Accordingly, the parties should appear at the October 10, 2003 hearing prepared to discuss the issue of good cause and compelling reasons. The Court notes, this inclination is intended only to help the parties prepare for oral argument and is not the Court's final decision in this matter. Rather, the parties are encouraged to raise relevant case law and/or facts to show the Court why its inclinations are mistaken or correct. In the event that Defendants do not seek to oppose the Motion, counsel for Defendants shall advise Plaintiff's counsel and file a statement of no opposition by no later than October 3, 2003, 10:00 a.m., and Plaintiff shall prepare and file the Order Granting Plaintiff's Motion for Leave to File Documents in Sealed Envelopes, filed September 15, 2003, by no later than October 8, 2003, 4:00 p.m., and the contents of that Order shall be consistent with the Court's inclinations as set forth here. IT IS SO ORDERED. Cc: all counsel [19-1] () JUDGE Mag Judge Leslie E. Kobayashi (sm) Modified on 09/19/2003 (Entered: 09/16/2003)

09/22/2003	25	EO :Parties are in agreement to allow amended answer by defendants. Stipulation to be submitted. Amended Answer to be filed by 9/24/03. Plaintiff's Motion for Leave to File Documents in Sealed Envelopes set for 10:00 10/10/03, LEK is Vacated. Motion is Withdrawn and terminated. Proposed Sealed Documents will be returned to counsel. Cc: all counsel (sm) (Entered: 09/22/2003)
09/22/2003	26	EP : Rule 16 Scheduling Conference held. Eric Grant participated by phone. 1. Jury trial on July 27, 2004 at 9:00 a.m. before ACK 2. Final Pretrial Conference on June 15, 2004 at 9:00 a.m. before LEK 3. Final Pretrial Conference before District Judge N/A 4. Final Pretrial Statement by June 8, 2004 5. File motions to Join/Add Parties/Amend Pleadings by December 26, 2003 6. File other Non-Dispositive Motions by April 28, 2004 7. File Dispositive Motions by February 25, 2004 8a. File Motions in Limine by July 6, 2004 8b. File opposition memo to a Motion in Limine by July 13, 2004 11a. Plaintiff's Expert Witness Disclosures by January 26, 2004 11b. Defendant's Expert Witness Disclosures by February 25, 2004 12. Discovery deadline May 28, 2004 13. Settlement Conference set for February 23, 2004 at 1:30 p.m. before LEK 14. Settlement Conference statements by February 17, 2004 20. Submit Voir Dire Questions, Special Verdict Form, Concise Statement of Case and Jury Instructions by July 13, 2004 21. File Final witness list by July 6, 2004 24. Exchange Exhibit and Demonstrative aids by June 29, 2004 25. Stipulations re: Authenticity/Admissibility of Proposed Exhibits by July 6, 2004 26. File objections to the Exhibits by July 13, 2004 28a. File Deposition Excerpt Designations by July 6, 2004 28b. File Deposition Counter Designations and Objections by July 13, 2004 29. File Trial Brief by July 13, 2004 30. File Findings of Fact & Conclusions of Law by N/A Other Matters: LR 56.1 Memorandum given to parties. A copy of the Rule 16 Scheduling Order mailed to all parties. ; Jury Trial set for 9:00 7/27/04 before Judge Helen Gillmor , ; Discovery ddl set for 5/28/04 ; Motion filing ddl set for 2/25/04 ; Pretrial conference set for 9:00 6/15/04 ; settlement/status conference set for 1:30 2/23/04 before Mag Judge Leslie E. Kobayashi ( Ct Rptr : no record) JUDGE Mag Judge Leslie E. Kobayashi (sm) (Entered: 09/22/2003)
09/22/2003	27	Application of Kathleen M. Sullivan to appear pro hac vice; consent of David Schulmeister; declaration of Kathleen M. Sullivan and Order permitting Kathleen M. Sullivan to appear pro hac vice by Mag Judge Leslie E. Kobayashi by defendant Constance Lau, defendant Diane J. Plotts, defendant Robert K.U. Kihune, defendant J. Douglas Ing for attorney d Schulmeister to appear pro hac vice (sm) (Entered: 09/23/2003)
09/24/2003	28	AMENDED ANSWER [5-1] by defendant Constance Lau, defendant Nainoa Thompson, defendant Diane J. Plotts, defendant Robert K.U. Kihune, defendant J. Douglas Ing to complaint for declaratory relief, injunctive relief and damages filed June 25, 2003; certificate of service (sm) (Entered: 09/24/2003)

09/24/2003	29	SCHEDULING ORDER Mag Judge Leslie E. Kobayashi (cc: all counsel) (sm) (Entered: 09/25/2003)
09/29/2003	30	NOTICE OF MOTION and motion by defendant Constance Lau, defendant Nainoa Thompson, defendant Diane J. Plotts, defendant Robert K.U. Kihune, defendant J. Douglas Ing for summary judgment set for 9:30 11/17/03 before Judge Alan C. Kay memorandum support of defendants' motion for summary judgment and in opposition to plaintiff's motion for summary judgment with respect to declaratory and injunctive relief; declaration of Kelly G. LaPorte; certificate of service (sm) (Entered: 09/29/2003)
09/29/2003	31	Defendants' concise statement of material facts in support of defendants' motion for summary judgment and in opposition to plaintiff's motion for summary judgment with respect to declaratory and injunctive relief; declarations of J. Douglas Keauhou Ing; attachments a-h; R. Kawika Makanani; attachment a-f; Maenette K. P. Benham, Ed.D; attachments a-h; Shawn Malia Kanaiaupuni, ph.D; attachments a-e; Teresa Makuakane-Drechsel, Ed.D; Charlene Hoe; C. Nainoa Thompson; Linda Lingle; George Ariyoshi; Walter Dods; Roger Drue; Keith Vieira; Randy Hitz; Dennis Gonsalves; Chiyome Leinaala Fukino, M.D.; Micah Kane; Aaron Aina Akamu; Mike O'Neill [30-1] volume 1 of 5 (sm) Modified on 09/29/2003 (Entered: 09/29/2003)
09/29/2003	32	Defendants' concise statement of material facts in support of defendants' motion for summary judgment and in opposition to plaintiff's motion for summary judgment with respect to declaratory and injunctive relief; declarations of J. Douglas Keauhou Ing; attachments a-h; R. Kawika Makanani; attachment a-f; Maenette K. P. Benham, Ed.D; attachments a-h; Shawn Malia Kanaiaupuni, ph.D; attachments a-e; Teresa Makuakane-Drechsel, Ed.D; Charlene Hoe; C. Nainoa Thompson; Linda Lingle; George Ariyoshi; Walter Dods; Roger Drue; Keith Vieira; Randy Hitz; Dennis Gonsalves; Chiyome Leinaala Fukino, M.D.; Micah Kane; Aaron Aina Akamu; Mike O'Neill [30-1]; volume 2 of 5 (sm) Modified on 09/29/2003 (Entered: 09/29/2003)
09/29/2003	33	Defendants' concise statement of material facts in support of defendants' motion for summary judgment and in opposition to plaintiff's motion for summary judgment with respect to declaratory and injunctive relief; declarations of J. Douglas Keauhou Ing; attachments a-h; R. Kawika Makanani; attachment a-f; Maenette K. P. Benham, Ed.D; attachments a-h; Shawn Malia Kanaiaupuni, ph.D; attachments a-e; Teresa Makuakane-Drechsel, Ed.D; Charlene Hoe; C. Nainoa Thompson; Linda Lingle; George Ariyoshi; Walter Dods; Roger Drue; Keith Vieira; Randy Hitz; Dennis Gonsalves; Chiyome Leinaala Fukino, M.D.; Micah Kane; Aaron Aina Akamu; Mike O'Neill; volumes 3 of 5 (sm) Modified on 09/29/2003 (Entered: 09/29/2003)

09/29/2003	34	Defendants' concise statement of material facts in support of defendants' motion for summary judgment and in opposition to plaintiff's motion for summary judgment with respect to declaratory and injunctive relief; declarations of J. Douglas Keauhou Ing; attachments a-h; R. Kawika Makaanani; attachment a-f; Maenette K. P. Benham, Ed.D; attachments a-h; Shawn Malia Kanaiaupuni, ph.D; attachments a-e; Teresa Makuakane-Drechsel, Ed.D; Charlene Hoe; C. Nainoa Thompson; Linda Lingle; George Ariyoshi; Walter Dods; Roger Drue; Keith Vieira; Randy Hitz; Dennis Gonsalves; Chiyome Leinaala Fukino, M.D.; Micah Kane; Aaron Aina Akamu; Mike O'Neill; volume 4-5 (sm) Modified on 09/29/2003 (Entered: 09/29/2003)
09/29/2003	35	Defendants' concise statement of material facts in support of defendants' motion for summary judgment and in opposition to plaintiff's motion for summary judgment with respect to declaratory and injunctive relief; declarations of J. Douglas Keauhou Ing; attachments a-h; R. Kawika Makaanani; attachment a-f; Maenette K. P. Benham, Ed.D; attachments a-h; Shawn Malia Kanaiaupuni, ph.D; attachments a-e; Teresa Makuakane-Drechsel, Ed.D; Charlene Hoe; C. Nainoa Thompson; Linda Lingle; George Ariyoshi; Walter Dods; Roger Drue; Keith Vieira; Randy Hitz; Dennis Gonsalves; Chiyome Leinaala Fukino, M.D.; Micah Kane; Aaron Aina Akamu; Mike O'Neill; volume 5 of 5 (sm) Modified on 09/29/2003 (Entered: 09/29/2003)
09/29/2003	36	First Amended STIPULATION regarding plaintiff's motion for partial summary judgment and defendants' counter-motion for partial summary judgment and ORDER by Judge Alan C. Kay [12-1] (sm) (Entered: 10/01/2003)
10/20/2003	37	REPLY MEMORANDUM OF LAW by plaintiff in support of motion for summary judgment with respect to declaratory and injunctive relief [15-1]; plaintiff's memorandum of law in OPPOSITION to defendants' motion for summary judgment [30-1]; certificate of service (afc) (Entered: 10/21/2003)
11/06/2003	38	State of Hawaii's motion for leave to file amicus curiae brief ; declaration of Mark J. Bennett; exhibit A; certificate of service - no hearing dates set; referred to Judge Alan Kay (sm) Modified on 11/06/2003 (Entered: 11/06/2003)
11/06/2003	39	Kamehameha Schools Association of Teachers & Parents, Kamehameha Schools Faculty Association, Na Kumu O Kamehameha, Kamehameha Schools Alumni Association - Board of Presidents, Kamehameha Schools Alumni Association-Oahu Region, and Na Pua A Ke Alii Pauahi Inc.s motion for leave to file amicus brief ; exhibits a; certificate of service; no date set; referred to Judge Alan Kay (sm) (Entered: 11/06/2003)
11/06/2003	40	REPLY memorandum in support of defendants' motion for summary judgment; declaration of Kelly G. LaPorte; certificate of service [30-1] (sm)



		(Entered: 11/06/2003)
11/06/2003	41	Amicus Curiae BRIEF by State of Hawaii (sm) (Entered: 11/06/2003)
11/06/2003	42	ORDER granting State of Hawaii's motion for leave to file amicus curiae brief [38-1] by Judge Alan C. Kay (cc: all counsel) - State of Hawaii file its amicus brief by 11/06/03; pltf response by 11/12/03 (afc) (Entered: 11/07/2003)
11/07/2003	43	ORDER by Judge Alan C. Kay granting motion for leave to file amicus curiae brief [39-1] by Kamehameha Sch Assoc of Teachers & Parents, Kamehameha Sch Faculty Association , Na Kumu O Kamehameha, Kamehameha Schools Alumni Association-Baord of Presidents, Kamehameha Schools Alumni Association-Oahu Region, Na Pua A Ke Alii (cc: all counsel) (sm) (Entered: 11/10/2003)
11/10/2003	44	Amicus Curias BRIEF of the Kamehameha Sch Assoc of Teachers & Parents, amicus Kamehameha Schools Faculty Association, amicus Na Pua A Ke Alii, amicus Kamehameha School Alumni Assoc Board of President, amicus Na Kumu O, amicus Kamehameha Schooli Alumni-Oahu REgion; declaration of Jan E. Hanohano Dill; exhibits 1-2; certificate of service (sm) (Entered: 11/12/2003)
11/12/2003	45	RESPONSE to Amicus Curiae Brief of the State of Hawaii by plaintiff John Doe to [41-1] (sm) (Entered: 11/14/2003)
11/12/2003	46	RESPONSE to Amicus Curiae Brief of The Kamehameha Schools Association of Teachers & Parents, et al. by plaintiff John Doe to [44-1] (sm) (Entered: 11/14/2003)
11/17/2003	47	EP : Plaintiff's Motion for Summary Judgment with Respect to Declaratory and Injunctive Relief-Oral Argument Held. This Motion is hereby Denied. Defendants Constance H. Lau, Nainoa Thompson, Diane J. Plotts, Robert K. U. Kihune, and J. Douglas Ing, in their capacities as Trustees of the Estate of Bernice Pauahi Bishop Estate dba Kamehameha Schools' Motion for Summary Judgment-Oral Argument Held. This Motion is hereby Granted. Court to prepare a written Order. granting motion for summary judgment [30-1], denying motion for summary judgment with respect to declaratory and injunctive relief [15-1] ( Ct Rptr : Lisa Groulx) JUDGE Judge Alan C. Kay (sm) (Entered: 11/17/2003)
12/08/2003	48	ORDER by Judge Alan C. Kay denying motion partial for summary judgment with respect to declaratory and Injunction relief and respect t[30-1], granting defendants' counter-motion for summary judgment [15-1] (cc: all counsel) (sm) (Entered: 12/08/2003)
12/18/2003	49	NOTICE by plaintiff John Doe of change of address - effective immediately Eric Grant and James Sweeney, Sweeney & Grant LLP, have changed to: 8001 Folsom Boulevard, Ste 101, Sacramento CA 95826 (sm) (Entered: 12/18/2003)

		12/19/2003)
12/18/2003	50	NOTICE OF MOTION and motion leave to intervene as a defendant (not hearing date set) cc: Judge Alan C. Kay, Mag Kevin Chang (sm) (Entered: 12/19/2003)
12/19/2003	51	JUDGMENT IN A CIVIL CASE by Judge Alan C. Kay (mailed to all parties on 12/19/03) counsel) (sm) (Entered: 12/22/2003)
12/19/2003		ORIGINAL TRANSCRIPT filed 12/19/03 () taken on 11/17/03 by Lisa Groulx. (sm) (Entered: 12/22/2003)
12/29/2003	52	ORDER by Judge Alan C. Kay denying Josephine Helelani Puahi (Rabago)'s motion to intervene as a defendant [50-1] (cc: all counsel) (fe) (Entered: 12/30/2003)
12/30/2003	53	NOTICE OF APPEAL by plaintiff from Dist. Court decision [51-1] (cc: all counsel) (afc) (Entered: 12/31/2003)
12/30/2003		RECEIVED re [53-1] fee in amount of \$255.00 (Receipt # 220128) (afc) (Entered: 12/31/2003)
12/30/2003	54	MEMORANDUM by defendants in opposition to motion to intervene as a defendant [50-1]; declaration of Kelly G. LaPorte; exhibits 1-2; certificate of service (afc) (Entered: 12/31/2003)
12/31/2003		NOTICE OF APPEAL and copy of docket sheet sent to 9th CCA [53-1] (cc: all counsel) (afc) (Entered: 12/31/2003)
01/02/2004	55	TRANSCRIPT DESIGNATION and Ordering Form for dates: 11/17/03 Lisa Groulx re [53-1] re transcript [0-0] (fe) (Entered: 01/02/2004)
01/15/2004		NOTIFICATION by Circuit Court of Appellate Docket Number 04-15044 (sm) (Entered: 01/20/2004)
03/17/2004	56	CERTIFICATE of Record Transmitted to 9th CCA (sm) (Entered: 03/18/2004)
09/14/2004	57	Original Record transmitted fed exp. to Clerk, 9CCA; vol 8; reporter's transcripts 1; (sm) (Entered: 09/14/2004)
12/29/2006	<u>58</u>	USCA JUDGMENT - Judgment of the District Court is AFFIRMED - (Attachments: # <u>1</u> Opinion - Volume 1 of 2 # <u>2</u> Opinion - Volume 2 of 2 # <u>3</u> Service List# <u>4</u> Letter of Transmittal) - attest date: 12/27/2006(eps) (Entered: 01/03/2007)
01/03/2007		COURT'S CERTIFICATE of Service - <u>58</u> USCA Judgment has been served by First Class Mail to the addresses of record on 1/3/07. Registered Participants of CM/ECF received the document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). (eps) (Entered: 01/03/2007)

01/17/2007	<u>59</u>	Mail Returned as Undeliverable - John Goemans, Box Closed. (eps ) (Entered: 01/17/2007)
02/21/2007	<u>60</u>	Appeal Record Returned: 8 Vol Clerk's File, 1 Vol RT (eps ) (Entered: 02/21/2007)