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Search Terms: kamehameha schools and date aft 1/2008

Focus Terms: kamehameha /s litigat! or lawsuit! or suit or goeman or settl! or
doe or caps (Grant)

FOCUS - 3 of 12 DOCUMENTS

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The Associated Press State & Local Wire

April 25, 2008 Friday 1:36 AM GMT

SECTION: STATE AND REGIONAL

LENGTH: 399 words

HEADLINE: Kamehameha Schools looking to recover settlement

DATELINE: HONOLULU

BODY:

Kamehameha Schools is in another legal dispute with a woman and her son after they won a \$7 million settlement from the trust last year.

The two, identified publicly only as Jane and John Doe, contend Kamehameha threatened to reveal their identities if they didn't place \$2 million in an escrow account for possible return to the schools, according to papers filed in federal court in California.

The confidential settlement ended a lawsuit filed on behalf of the non-Hawaiian student to settle a discrimination lawsuit over Kamehameha's admissions policy favoring Native Hawaiians.

The bone of contention now is the disclosure of the \$7 million settlement figure that was to have remained secret. It was revealed by Big Island attorney John Goemans in February.

Schools attorney Paul Alston denied that another Kamehameha attorney, David Schulmeister, threatened to reveal the plaintiffs' identities.

Alston said in court papers filed April 14 in Sacramento that Schulmeister told the plaintiff's current attorney, Ken Kuniyuki, that Kamehameha Schools believed the settlement agreement had been breached and that the estate was entitled to damages.

"He further explained that a public lawsuit could make it difficult for the Does' anonymity to be preserved" and suggested that the \$2 million be held in escrow while the parties discussed resolution of the dispute short of a lawsuit, Alston said.

Kuniyuki has asked the federal court to issue a restraining order against all parties in the case preventing any attempts to disclose the identities of Jane Doe and John Doe.

He attached an April 2 sworn statement from Jane Doe that said, "Both John Doe and I fear for our safety if our identities are made public."

Goemans, who had planned and started the legal action brought four years ago on behalf of John Doe, disclosed terms of the settlement to The Honolulu Advertiser in February. He said he believed the amount was important public information about a charitable institution given tax-exempt status by the Internal Revenue Service.

Earlier this month, Goemans, 73, was sentenced to eight days in jail and fined \$4,000 for violating a court order to keep the settlement amount secret. He said in a sworn statement filed with the California court March 17 that he had no memory of being informed of the Feb. 5 court order.

Information from: The Honolulu Advertiser, <http://www.honoluluadvertiser.com>

LOAD-DATE: April 25, 2008

FOCUS - 4 of 12 DOCUMENTS

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The Honolulu Advertiser (Hawaii)

April 24, 2008 Thursday

SECTION: MAIN; Pg. 1A

LENGTH: 1634 words

HEADLINE: Kamehameha seeks to recover \$2 million

BYLINE: Jim Dooley

BODY:

Kamehameha Schools is trying to get back as much as \$2 million of the \$7 million it paid last year to settle a lawsuit that challenged its admissions policy favoring Hawaiian students, according to legal papers filed in federal court in California.

The papers are contained in new litigation filed after publication of an Advertiser news story in February that revealed that the settlement was \$7 million.

The money was paid to a Big Island mother and child in return for their agreement to drop the lawsuit just before the U.S. Supreme Court was to decide whether it would hear an appeal of the case.

The plaintiffs, who have never been publicly identified and are known as Jane and John **Doe**, alleged in the California case that the schools "threatened" to publicly identify them if they did not place \$2 million in an escrow account for possible return to the schools because terms of the confidential settlement had been revealed.

Ken Kuniyuki, a Hawai'i law- yer who now represents the pair, is alleging that David Schulmeister, an attorney for the schools, said that if the schools were forced to file suit over the issue, the names of the **Does** would become public.

Kuniyuki made the allegation in a sworn declaration filed this month in federal court in Sacramento, seeking a court order barring public identification of the plaintiffs.

Schools attorney Paul Alston denied that Schulmeister threatened to reveal the plaintiff's identities.

"Schulmeister told Kuniyuki that the (**Kamehameha** Schools/ Bishop Estate) believed the settlement agreement had been breached and that the estate was entitled to damages," Alston said in court papers filed April 14 in Sacramento.

"He further explained that a public lawsuit could make it difficult for the **Does'** anonymity to be preserved" and suggested that the \$2 million be held in escrow while the parties discussed resolution of the dispute short of a lawsuit, according to Alston.

Alston stressed on Tuesday that **Kamehameha** Schools has not filed a lawsuit or taken any action that would publicly identify the **Does**.

"Kamehameha Schools is closely scrutinizing how to proceed," he said.

Tuesday night and yesterday, the Kamehameha Schools board of trustees and Chief Executive Dee Jay Mailer sent a mass e-mail to parents and alumni notifying them of the new legal skirmishing in California and alerting them that The Advertiser was preparing a story on the subject.

Kamehameha seeks to recover \$2 million The Honolulu Advertiser (Hawaii) April 24, 2008 Thursday

"A breach of confidentiality has occurred, and an investigation into the line of responsibility is in process. Legal action as appropriate shall follow," the trustees' e-mail said.

"It is aggravating to be drawn into this complicated and unsavory infighting," the trustees' message continued. "However, we will not allow this latest legal maneuver to distract us from our mission."

'FEAR FOR OUR SAFETY'

Jane and John Doe filed legal papers in Sacramento federal court denying any role in the release of the settlement figure by John Goemans, an attorney who used to represent them but who now is involved in a dispute over compensation for his services in the case.

Their attorney, Kuniyuki, also asked the federal court to issue a restraining order against all parties in the case preventing any attempts to disclose the identities of Jane and John Doe.

He attached an April 2 sworn statement from Jane Doe that said, "both John Doe and I fear for our safety if our identities are made public."

She noted that more than 1,550 reader comments were posted on the Advertiser's Web site following the February story that disclosed the settlement amount.

"Many of them are extremely critical of us. Some include threats of violence against us," she said.

"I have lived in Hawai'i for many years. The negative comments and threats posted to the Honolulu Advertiser's February 8, 2008 article are entirely consistent with my experience with many local residents regarding the admissions policy of the Kamehameha Schools."

If their identities become public, she said, "we are prepared to move and go into hiding."

Last week, following a hearing before U.S. District Judge Frank Damrell Jr., all parties in the federal court case stipulated that they would not disclose the true identities of the Does.

Goemans told The Advertiser in February that he believed the settlement amount should be a matter of public record, given Kamehameha Schools' status as the wealthiest and most influential nonprofit institution in Hawai'i.

ATTORNEY'S TROUBLES

In a separate civil case now pending in Sacramento state court, Goemans was sentenced earlier this month to serve eight days in jail and fined \$4,000 for violating a court order to keep the settlement amount secret.

Goemans, 73, now living in Florida with his sister, said by telephone, "I have zero money, I have serious health issues, and now I've been ordered to serve an eight-day jail sentence in California in the middle of May. I don't know what's going to happen."

The California state case was filed against Goemans by Eric Grant, a Sacramento attorney who litigated the Does' lawsuit from the time it was first filed in Hawai'i in 2003 through its settlement in May 2007.

Under the terms of the settlement agreement, Grant was entitled to 40 percent of the \$7 million total, or \$2.8 million.

He sued Goemans in Superior Court in Sacramento last year to try to settle the outstanding question of how much Goemans should be compensated.

Goemans conceived the civil rights lawsuit against the schools, found the plaintiffs on the Big Island and brought them together with Grant.

Goemans said the only money he has received was a \$20,000 loan from Jane Doe but believes he is entitled to as much as 25 percent of the total settlement, or \$1.75 million.

According to documents filed in the California state case, Grant became concerned early this year that Goemans intended to reveal the amount of the legal settlement and on Feb. 5 obtained a court order against Goemans blocking any such disclosures.

Three days later, The Advertiser published a news story based on Goemans' statements about the settlement amount.

Kamehameha seeks to recover \$2 million The Honolulu Advertiser (Hawaii) April 24, 2008 Thursday

Goemans said in a sworn statement filed with the California court March 17 that he is "not medically or mentally 100 percent" and had no memory of being informed of the Feb. 5 court order.

"I want to emphasize to the court that it was not my intent to deliberately and knowingly violate the court's order," the statement said.

But he reiterated his belief that **Kamehameha** Schools, as a tax-exempt organization, should not and cannot keep the terms of the **settlement** confidential.

After the **settlement** terms were made public, **Grant** filed a new federal **lawsuit** March 28 in Sacramento against **Kamehameha** Schools and his own clients, Jane and John **Doe**, asking the court for a ruling that he was not responsible for the disclosure and has no financial liability because of it.

Grant and an attorney who represents him did not return telephone requests for comment.

Alston filed a lengthy legal memo in the case last week questioning the Sacramento court's jurisdiction in the matter since the **Doe**s and the schools are in Hawaii'i.

Reach Jim Dooley at jdooley@honoluluadvertiser.com or 525-8030.

Drop-in:

ABOUT THE CASE

June 2003: On behalf of an unnamed non-Hawaiian student, identified only as John **Doe**, attorneys John **Goemans** and Eric **Grant** file a civil-rights **lawsuit** disputing **Kamehameha's** admissions policy.

August 2003: A federal court orders Kamehameha Schools to enroll a non-Hawaiian boy, 12-year-old Brayden Mohica-Cummings, until a final verdict on the admissions policy is made.

November 2003: U.S. District Judge Alan Kay decides against John **Doe**, ruling that **Kamehameha** Schools can continue its Hawaiians-preference admissions policy because of its unique and historical circumstances.

November 2003: Trustees for **Kamehameha** Schools approve a **settlement** allowing a seventh-grade non-Hawaiian student to continue attending the private school until he graduates. In exchange, **Grant** and **Goemans**, the lawyers for Mohica-Cummings, agree to drop one of their two federal court challenges to the school's admissions policy. The two lawyers appeal Kay's John **Doe** ruling.

Aug. 2, 2005: By a 2-1 vote, a panel of the 9th U.S. Circuit Court of Appeals decides in favor of John **Doe**, ruling that **Kamehameha's** admissions policy constitutes unlawful racial discrimination and throwing the 120-year-old policy into limbo. A week later, the same three judges deny a request by John **Doe** to be admitted in the fall, pending an appeal by the school.

Aug. 6, 2005: About 20,000 Kamehameha students, alumni and other supporters rally on all major Hawaiian islands and the Mainland to show their support for the embattled school. At a major rally in Honolulu, thousands hear a string of fiery speeches before marching two miles to Mauna 'Ala, the Royal Mausoleum in Nu'uuanu, where school founder Princess Bernice Pauahi Bishop is buried.

Feb. 22, 2006: The 9th Circuit **Grants** Kamehameha's request for an en banc rehearing of its August 2-1 decision, essentially throwing out that decision pending a review by a larger panel of 15 judges.

Dec. 5, 2006: By an 8-7 vote, the full 9th U.S. Circuit Court of Appeals upholds Kamehameha Schools' longstanding policy aimed at only admitting students with Hawaiian blood.

March 2007: **Doe's** attorneys ask the U.S. Supreme Court to look at the legality of **Kamehameha** Schools' admissions policy.

May 14, 2007: **Kamehameha** Schools and **Doe** settle the **lawsuit**, which was pending before the U.S. Supreme Court.

Drop-in:

THE SCHOOLS

Kamehameha seeks to recover \$2 million The Honolulu Advertiser (Hawaii) April 24, 2008 Thursday

Kamehameha Schools, established under the 1884 will of Princess Bernice Pauahi Bishop, has assets of more than \$9 billion and educates some 3,400 children of Hawaiian ancestry at campuses on O'ahu, Maui and the Big Island.

Another 30,000 students and adults were served through the schools' outreach programs and support of charter schools.

LOAD-DATE: April 25, 2008

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Honolulu Star - Bulletin (Hawaii)

April 13, 2008 Sunday

SECTION: EDITORIAL Vol. 13 No. 104

ACC-NO: 7588

LENGTH: 845 words

HEADLINE: Gathering Place;
Group's lawsuit targeting OHA would erode gains made for all Hawaiians

BYLINE: Mossman, Boyd P

BODY:

Once again Hawaiians are back in court, defending themselves from a group of self-described "non-ethnic Hawaiians," whatever that means, who claim their lawsuit will take nothing away from Hawaiians. If you believe that, you also believe in the Tooth Fairy.

The lawsuit, *Kuroiwa v. Lingle* and accompanying documents filed April 3 in U.S. District Court against the state of Hawaii and the Office of Hawaiian Affairs, feature the same faces and legal strategy that has failed before, but at great expense to Hawaiians who watch as the attorney fees gobble up funds that would have otherwise gone to worthy programs.

Attorney H. William Burgess is to Hawaiians the agent of doom and gloom, who wields a sword of destruction, not justice, for the plaintiffs. The former ConCon delegate who voted to approve OHA in the 1978 convention has now devoted his practice to eliminating Hawaiian rights and benefits through repeated lawsuits and his group called "Aloha For All."

Among his clients is Thurston Twigg-Smith, the well-heeled former Honolulu Advertiser publisher, who at 87 continues to defend the role that his grandfather, Lorrin A. Thurston, so prominently played in the 1893 overthrow of the Hawaiian monarchy. The media-savvy Twigg-Smith has found a receptive voice in the Grassroot Institute of Hawaii, a local group with national ties to well-funded conservative think tanks. Grassroot Institute has listed Burgess as its attorney and the group's co-founder, Malia Zimmerman, runs a right-wing blog whose writers regularly attack OHA.

Burgess and one of his clients, James Kuroiwa, along with several other Grassroot supporters were recent appointees to the Hawaii State Advisory Committee to the U.S. Commission on Civil Rights. They led an unsuccessful effort to reverse a prior HSAC vote in favor of the Akaka Bill. It was a transparent attempt to roll back previous gains in civil rights.

Joining Kuroiwa and Twigg-Smith in the latest lawsuit, are Earl Arakaki, Patricia Carroll, Tobey Kravet and Garry Smith. All six sued in a previous case, *Arakaki v. Lingle*, with Burgess as their attorney. The *Arakaki v. Lingle* lawsuit sought to dismantle OHA and all of its programs and also remove Hawaiians from their homestead lots.

None of the plaintiffs can claim to be aboriginal, native and indigenous to Hawaii; nevertheless, all six plaintiffs have applied to sign up for the Hawaiian voting initiative, Kau Inoa, and though acknowledging they are "not Hawaiian" now claim to be "non-ethnic Hawaiians," thus paralleling mainland media copy which often lumps all Hawaii residents, regardless of ancestry, as "Hawaiians." In the court filings, Smith and Kravet further describe themselves, respectively, as an "American of native American ancestry" and "American of Ukranian Jewish, and Belorussian Jewish ancestry."

Gathering Place; Group's lawsuit targeting OHA would erode gains made for all Hawaiians Honolulu Star - Bulletin
(Hawaii) April 13, 2008 Sunday

Kravet included in the court papers an e-mail exchange with Gov. Linda Lingle in which he told Lingle he would not contribute to her campaign if she backed recognition of Hawaiians.

And that's not the only mention of money. Burgess' wife claims in the court papers that her husband is doing the case "pro bono." But don't think that means no money. The attorneys who sued Kamehameha Schools in an admissions case are in a legal spat divvying up a \$7 million settlement, and other attorneys are out trolling for more non-Hawaiian clients to sue the Hawaiian preference school.

Burgess includes in his lawsuit letters he wrote to Lingle complaining about OHA lobbying expenses for the Akaka Bill. In one letter, Burgess demanded that his clients receive "at least 4 times the amount to or for my clients and all others similarly situated, to lobby against the Akaka bill, travel to and from D.C. and staff and maintain an office in D.C. to oppose passage of the Akaka bill."

This group has asked for an injunction to shut down OHA and stop all efforts to help better Hawaiians. Unfortunately, there are native Hawaiians doing the same thing in court; nevertheless OHA, in the middle, will continue to fulfill its mission, opposition notwithstanding.

While OHA and state Attorney General Mark Bennett remain confident they will prevail, it should be noted that the courts have not always been friendly to Hawaiians; therefore, the urgent need for the Akaka Bill. It alone will thwart these legal challenges because it will conclusively reaffirm that providing Hawaiian programs and protecting Hawaiian culture is not racial but rather political; that Hawaiians' rights are not based upon their racial but their indigenous heritage. And that's the reason Burgess and his clients are so fervent in attacking federal recognition.

Without it, false racist allegations continue along with the lawsuit gravy train. Hawaiians will have to again devote resources and energies to the courts rather than to the host culture and its lawfully designated organizations, which these lawsuits aim to eliminate.

As the saying goes, 'nuff already.

Boyd P. Mossman, an attorney and retired Circuit Court judge, is Maui trustee of the Office of Hawaiian Affairs.

Credit: Boyd P. Mossman

LOAD-DATE: April 14, 2008

FOCUS - 6 of 12 DOCUMENTS

Copyright 2008 Ka Leo O Hawaii via U-Wire
University Wire

February 12, 2008 Tuesday

LENGTH: 420 words

HEADLINE: Supreme Court Justice visits U. Hawai'i Law School

BYLINE: By Kumari Sherreitt, Ka Leo O Hawaii; **SOURCE:** U. Hawaii

DATELINE: HONOLULU

BODY:

Associate Justice of the United States Supreme Court Stephen Breyer, one of nine Supreme Court justices, was a guest lecturer at the University of Hawai'i at Mānoa's Richardson School of Law last week, while also touring the island's historic sites.

Justice Breyer and his wife Joanna were welcomed warmly by the Law School. They were asked to participate by planting an 'ōhi'a lehua tree in the courtyard, in commemoration of their stay and the school's renovated planting beds of native Hawaiian fauna.

Mrs. Breyer was asked to plant a young 'ōhi'a tree in one of the newly manicured courtyard beds, a planting tradition that can only be done by women, explained the speaker.

Justice Breyer was invited to participate in the UH Law School public forum "Doe v. Kamehameha Schools: A Discrete and Insular Minority" in Hawai'i 70 years after Carolene Products?" in its biennium Law Review Symposium.

Law students had a chance to hear about the day-to-day life of a Supreme Court justice, as Justice Breyer gave lectures in class and answered questions. "It's every law student's dream to become a Supreme Court justice," said a group of Masters of Law (LLM) students after the ceremony.

"He was very friendly, very liberal, and open-minded," said Micheal Saenger, an LLM student from Germany. His friend Andreas Sider, an LLM student from Switzerland, added that Justice Breyer kept saying things like "take it easy, and don't work too much," during his talks.

If Justice Breyer had not been the guest speaker, he and his wife would have been hard to spot in the crowd. His laid-back attitude was exemplified in his aloha attire and sense of humor.

"Everyone has been so generous here," Justice Breyer said while smiling through the stack of leis that had been given to him by the UH law students and professors sad to see him leave.

The couple toured many of the tourist attractions, but as only a member of the Supreme Court could: privately. Some of the places they went were the Arizona Memorial, Iolani Palace, and Hanauma Bay (on its closed day).

Breyer is the 108th Supreme Court Justice, inaugurated in 1994 by President Clinton. He has been on the court for such decisions as maintaining the parental notification of teenage abortions.

Before Supreme Justice, he was Justice Arthur Goldberg's selected clerk, helping him to draft an opinion in the landmark right-to-privacy case, Griswold v. Connecticut in 1964. He was also an aide to Archibald Cox in the Water-gate prosecutions of 1972.

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LOAD-DATE: February 12, 2008

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The Honolulu Advertiser (Hawaii)

February 9, 2008 Saturday

SECTION: HAWAII; Pg. 1B

LENGTH: 627 words

HEADLINE: School's \$7M deal raises ire, eyebrows

BYLINE: Jim Dooley

BODY:

Yesterday's disclosure of the \$7 million payment made by Kamehameha Schools to settle a civil rights lawsuit prompted questions and anger from individuals on both sides of the schools' controversial admissions policy that gives preference to students of Native Hawaiian ancestry.

"It does seem like a lot of money. It sure would be if it was in my pocket," said University of Hawai'i law school professor Jon Van Dyke, who served as a legal consultant to Kamehameha in the lawsuit.

Van Dyke said yesterday he wasn't part of the settlement discussions and still believes the payment led to the right outcome for the school.

The settlement was signed in May just before the U.S. Supreme Court was scheduled to announce whether it would hear an appeal of the case. Terms of the settlement had been kept confidential until this week. John Goemans, an attorney for the plaintiff in the case, revealed the \$7 million figure to The Advertiser.

The settlement meant that an earlier 8-7 vote by the 9th U.S. Circuit Court of Appeals in favor of Kamehameha's admissions policy is still the prevailing law.

H. William Burgess, a local attorney who filed legal papers with the U.S. Supreme Court supporting the plaintiff in the case, said yesterday, "Wow. The settlement was much larger than I thought."

Burgess said he still believes the case should have been heard by the Supreme Court so that legal questions surrounding the school's Hawaiians-first admissions policy were settled.

"I actually think the trustees of the Kamehameha Schools have a legal duty, when there's a legitimate legal question about what they're doing, to seek a resolution of the issue," Burgess said.

News of the \$7 million payment provoked more than 500 online postings to The Advertiser that variously criticized school officials who approved the payment and the lawyers and the client who received the money.

Beatrice "Beadie" Dawson, a native Hawaiian attorney who is active in Kamehameha Schools affairs, said yesterday the settlement itself and now news of the \$7 million amount "are like an open invitation for more lawsuits."

"I was very dismayed by news of the settlement last year and I was very surprised by the size of it today," Dawson said.

Hawai'i attorney David Rosen, who last year announced plans to file another legal challenge to the school's admission policy, confirmed this week that the lawsuit is taking shape but has not been filed.

He issued a news release yesterday reacting to the settlement amount that said, "The people of Hawai'i should be outraged that the trustees of Kamehameha Schools place a higher value on discriminating rather than educating."

School's \$7M deal raises ire, eyebrows The Honolulu Advertiser (Hawaii) February 9, 2008 Saturday

Goemans, the lawyer who publicly revealed the \$7 million figure, said he believes the **settlement** should be a matter of public record given **Kamehameha** Schools' status as a tax-exempt charitable institution.

Goemans helped bring the civil rights **lawsuit** against **Kamehameha** in 2003 on behalf of a non-Hawaiian student denied admission to the high school. The student and the student's mother, who live on the Big Island, have never been identified except as John **Doe** and Jane **Doe**.

Goemans also said the **settlement** is subject to review by the Internal Revenue Service and by the state attorney general's office, which oversees **Kamehameha** Schools' annual financial accountings filed with state Probate Court.

Attorney General Mark Bennett could not be reached for comment yesterday.

David Fairbanks, a Honolulu lawyer serving as the appointed "master" who must review Kamehameha's financial filings for the Probate Court, did not respond to a telephone message for comment yesterday.

Reach Jim Dooley at jdooley@honoluluadvertiser.com or 525-8030.

Drop-in:

Join the conversation by posting comments on this story at HONOLULUADVERTISER.COM

LOAD-DATE: February 10, 2008

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The Associated Press State & Local Wire

February 9, 2008 Saturday 1:50 AM GMT

SECTION: STATE AND REGIONAL

LENGTH: 512 words

HEADLINE: Attorney: Kamehameha paid \$7 million to settle suit

DATELINE: HONOLULU

BODY:

Kamehameha Schools paid \$7 million to an anonymous non-Hawaiian student to settle a discrimination lawsuit, according to the attorney who started the civil rights case against the wealthy private school for refusing admission to students who can't prove Native Hawaiian ancestry.

The previously confidential settlement, which came in May before the U.S. Supreme Court had decided whether to hear the case, has led to a squabble over the settlement money and to other lawyers looking for clients to file more suits against the richest independent elementary and secondary school in the nation. Kamehameha is backed by an endowment last reported to be worth \$7.7 billion.

Big Island attorney John Goemans said he disclosed terms of the settlement to The Honolulu Advertiser because he believes the amount is important public information about a charitable institution given tax-exempt status by the Internal Revenue Service.

Goemans planned and started the legal action brought four years ago on behalf of a youth known only as John Doe.

Eric Grant, a Sacramento attorney who represented the student, declined to discuss the settlement as did Kamehameha Schools' lead attorney in the lawsuit, Kathleen Sullivan, a former Stanford University law school dean. Both Grant and Sullivan appeared Wednesday at a University of Hawaii symposium on the case.

Grant had to sue the student's mother to collect his \$2.8 million share of the settlement, according to Goemans, who sites federal court records in Sacramento to back up the assertion. Goemans said the family paid him \$20,000 for his role but he has asked them for \$1.75 million with no response.

Goemans said he has been sued by Grant on the issue of compensation and is considering a suit of his own against the plaintiff he found.

Attorney David Rosen, who last year publicly sought plaintiffs for another suit challenging the Kamehameha admissions policy, said he is preparing a suit now against the school system which has 5,400 students at three campuses on Oahu, Maui and the Big Island.

The settlement includes a \$2 million penalty for anyone who discloses its terms. Goemans, who opposed the settlement, said he was not a signatory to the settlement but had received a copy of it from another lawyer.

Goemans said Kamehameha Schools would have to disclose details of the settlement in its 2007 tax return and in state filings required from charities.

The suit against the school initially was dismissed in 2003 by federal Judge Alan Kay who upheld Kamehameha's right to an admissions policy that addresses the cultural and socio-economic disadvantages of Native Hawaiians since the 1893 U.S. overthrow of the island monarchy.

Attorney: Kamehameha paid \$7 million to settle suit The Associated Press State & Local Wire February 9, 2008
Saturday 1:50 AM GMT

That suit was reinstated in 2005 by a three-judge panel of the 9th U.S. Circuit Court of Appeals, which was reversed the next year by the full appeals court in a decision widely hailed by state officials and others as a victory for Native Hawaiians.

Lawyers for the rejected student then asked the Supreme Court to step in, prompting the settlement even though the latest decision supported Kamehameha.

LOAD-DATE: February 9, 2008

FOCUS - 10 of 12 DOCUMENTS

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February 8, 2008 Friday 6:45 AM EST

LENGTH: 86 words

HEADLINE: "Breyer treads around admissions case"

BYLINE: Howard Bashman

BODY:

Feb. 8, 2008 (How Appealing delivered by Newstex) -- "Breyer treads around admissions case": The Honolulu Star-Bulletin today contains an article that begins, "Affirmative action cases are so difficult for the U.S. Supreme Court because of two opposing views on how to fairly treat the country's wide diversity of people, Associate Justice Stephen Breyer said here yesterday." And in related news, The Honolulu Advertiser reports today that "Kamehameha Schools settled lawsuit for \$7M." Newstex ID: HAP-0001-22876898

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LOAD-DATE: April 30, 2008

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February 8, 2008 Friday 6:45 AM EST

LENGTH: 85 words

HEADLINE: "Breyer treads around admissions case"

BYLINE: Howard Bashman

BODY:

Feb. 8, 2008 (How Appealing delivered by Newstex) -- "Breyer treads around admissions case": The Honolulu Star-Bulletin today contains an article that begins, "Affirmative action cases are so difficult for the U.S. Supreme Court because of two opposing views on how to fairly treat the country's wide diversity of people, Associate Justice Stephen Breyer said here yesterday."

And in related news, The Honolulu Advertiser reports today that "Kamehameha Schools settled lawsuit for \$7M."

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HEADLINE: Breyer will weigh in on isle issues

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BODY:

Associate Justice Stephen Breyer of the U.S. Supreme Court will be on a panel next week discussing the legal challenge to Kamehameha Schools' admissions policy giving preference to native Hawaiian applicants.

Other panelists include two key lawyers in the case - Kathleen Sullivan, who defended the private school's admissions policy, and Eric Grant, who represented the unnamed non-native Hawaiian student in the lawsuit contesting the policy.

The discussion is open to the public and will be held from 11:30 a.m. to 2 p.m. Thursday at the University of Hawaii William S. Richardson law school's moot court courtroom.

Breyer will be visiting here as part of the law school's "Jurist-in-Residence" program, which has brought other Supreme Court justices to Hawaii in the past years.

Breyer, 69, former chief judge of the 1st U.S. Circuit Court of Appeals, was appointed to the high court in 1994 by President Clinton. Breyer is considered part of the liberal wing of nine-member high court.

But in the landmark 2000 decision in the Rice v. Cayetano case, Breyer joined in the 7-2 majority that struck down the requirement that only native Hawaiians could vote for trustees of the Office of Hawaiian Affairs.

Lawyers for the unnamed non-Hawaiian student, identified as John Doe, filed the lawsuit that dealt with the controversial issue of whether Kamehameha Schools' admissions policy violated federal civil rights law. The student was denied admission to the schools. The case is known as Doe v. Kamehameha Schools.

A three-member panel of the U.S. 9th Circuit Court of Appeals ruled in a 2-1 decision in behalf of Doe that the policy violated the federal law. But a larger panel of the appeals court later voted 8-7 to uphold the policy.

Grant asked the Supreme Court to review the case, but the matter was settled before the high court could decide whether to accept the appeal. The terms of the settlement were not disclosed.

The settlement leaves open the question of whether the land's highest court would find that Kamehameha's policy violates the civil rights law.

The law school said one goal of the panel discussion is to "advance legal scholarship by analyzing how the arguments in Doe fit into a historical, sociopolitical and legal context." Another goal is to learn more about the "intricate issues" in the case from the panelists' viewpoints.

Cynthia Quinn, the law school's director of communications and external relations, said Breyer will be visiting Hawaii for the first time and also will participate in a law school class on professional responsibility.

Breyer will weigh in on isle issues Honolulu Star - Bulletin (Hawaii) February 1, 2008 Friday

"It's an honor to have them here," Quinn said about Breyer and other justices who visited in the past. "They really want to reach out to the students, which is quite an honor."

PANEL DISCUSSION

The topic of the discussion is "Doe v. Kamehameha Schools: A 'discreet and insular minority' in Hawaii 70 years after Carolene Products (a U.S. Supreme Court decision)." The Doe case involved a challenge to the Kamehameha Schools admissions policy that gives preference to native Hawaiians. The Carolene case involved "discreet and insular" minorities generally and native Hawaiians in particular, according to the University of Hawaii William S. Richardson School of Law.

Associate Justice Stephen Breyer of the U.S. Supreme Court will participate in the first hour of the discussion from 11:30 a.m. to 2 p.m. at the moot court courtroom at the University of Hawaii law school.

Other panelists are:

- » Kathleen Sullivan, former dean of Stanford Law School, who defended Kamehameha Schools' admissions policy.
- » Eric Grant, a Sacramento, Calif., lawyer who represented Doe, the unnamed student who challenged the policy.
- » David Forman, who teaches classes at the University of Hawaii law school and is an attorney with the Hawaii Civil Rights Commission.
- » U.S. District Judge David Ezra.
- » Jon Van Dyke, a University of Hawaii law school professor, who will moderate and present questions to the panel.

The forum is free and open to the public, but those wishing to attend should call Cynthia Quinn, the law school's director of communications and external relations, at 956-6545.

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