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Attorneys for Plaintiffs
ZACHARY G. SHUMAN, as Special Administrator
for the ESTATE OF ANGUS SHANE PAUL
MITCHELL, JOLINA MITCHELL, AND MARA
GOURDINE

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

ZACHARY G. SHUMAN, as Special
Administrator for the ESTATE OF ANGUS
SHANE PAUL MITCHELL, JOLINA
MITCHELL, AND MARA GOURDINE

Plaintiffs,

vs.

THE DEPARTMENT OF THE MEDICAL
EXAMINER, CITY AND COUNTY OF
HONOLULU, AND DOES 1-10,

Defendants.

CIVIL NO. 1CCV-
(Injunctive Relief)

COMPLAINT; SUMMONS

No Trial Date Set

Electronically Filed
FIRST CIRCUIT
1CCV-24-0000407
28-MAR-2024
01:26 PM
Dkt. 1 CMPS

COMPLAINT

Plaintiffs ZACHARY G. SHUMAN, as Special Administrator for the ESTATE OF ANGUS MITCHELL, JOLINA MITCHELL, and MARA GOURDINE (collectively, “**Plaintiffs**”), by and through their attorneys, Goodsill Anderson Quinn & Stifel, a limited liability law partnership, state and allege, as their Complaint against Defendant THE DEPARTMENT OF THE MEDICAL EXAMINER, CITY AND COUNTY OF HONOLULU (“**Medical Examiner**”), JOHN DOES 1-20, JANE DOES 1-20, and DOE ENTITIES 1-20 (collectively referred to as “**Doe Defendants**”) (collectively referred to as “**Defendants**”), as follows:

THE PARTIES

1. Plaintiff ZACHARY G. SHUMAN (“Zach”) is the Special Administrator for the Estate of Angus Shane Paul Mitchell and the Successor Trustee of the Angus Shane Paul Mitchell Living Trust dated 5-11-2005, as amended and restated, and is a resident of Los Angeles, California.
2. Plaintiff JOLINA MITCHELL is the surviving mother of Angus Mitchell and is a resident of Los Angeles, California.
3. Plaintiff MARA GOURDINE was the fiancé of Angus Mitchell and is a resident of Los Angeles, California.
4. Defendant Medical Examiner is a department of the City and County of Honolulu.
5. JOHN DOES 1-20, JANE DOES 1-20 and DOE ENTITIES 1-20, unknown party defendants, may be liable to Plaintiffs but their identifies are not known to Plaintiffs. Plaintiffs will amend his complaint to name these Doe Defendants when he has

ascertained their true identities. All references in the Complaint to the named Defendants or to Defendants shall include the Doe Defendants.

JURISDICTION AND VENUE

6. The autopsy and related actions which are the subject of this Complaint occurred in the County of Honolulu, State of Hawai‘i and relate to the confidential release of records held by the Coroner’s Office.

7. The Court has subject matter jurisdiction over the Plaintiffs’ claims under Hawai‘i Revised Statutes (“HRS”) § 632-1 and personal jurisdiction over the parties under HRS § 634-35(a).

8. Venue is proper in the First Circuit Court under HRS § 603-36 because the claim for relief arose in the City and County of Honolulu, State of Hawai‘i.

THE DISPUTE

9. This lawsuit arises from a controversy between Plaintiffs and Defendant Medical Examiner regarding the threatened release of its autopsy report of Angus Mitchell (“**Angus**”) to the media.

10. Angus was the only child of Jolina Mitchell and Mr. Paul Mitchell, who was the co-founder and co-owner of John Paul Mitchell Systems. Paul Mitchell died of pancreatic cancer in 1989, leaving his son Angus as his sole heir.

11. Upon the death of Paul Mitchell in 1989, Angus acquired a beneficial interest in John Paul Mitchell Systems, which ripened into a co-ownership interest in the year 2005. At the time of his death on January 3, 2024, Angus was co-owner of John Paul Mitchell Systems in partnership with Mr. John Paul DeJoria, who had originally founded John Paul Mitchell Systems along with Paul Mitchell.

12. On January 3, 2024, Angus died at his property located at 3703 Poka Place, Honolulu, Hawaii 96813.
13. Angus is survived by his minor child and his mother, Jolina Mitchell.
14. Angus' body was delivered to the Medical Examiner so that an autopsy could be performed by the City and County of Honolulu as part of either a criminal or civil investigation being conducted by Honolulu Police Department.
15. This investigation remains ongoing.
16. Upon information and belief, the Medical Examiner received one or more Freedom of Information Act ("FOIA") requests for, among other things, the autopsy report from the media for their respective reports or articles.
17. In response to such requests, the Medical Examiner informed the Estate that it planned to release the autopsy report and related investigatory information.
18. On March 20, 2024, Plaintiffs requested that the Medical Examiner's office not release the autopsy reports and/or other information gathered during the course of its respective investigations in light of their family's right to privacy because their reports contain information (i) that is private and confidential in nature (ii) gathered by the Medical Examiner in his/her examination of the body of Angus, and/or (iii) unrelated to the cause of Angus' death and/or the cause of death.
19. Later that day, Mr. Christopher Inoue, with the Department of the Medical Examiner, agreed to hold off on releasing the autopsy report for "one week".
20. On March 21, 2024, Plaintiffs, by and through their counsel, notified the Medical Examiner of their intention to seek an injunction and requested that the autopsy report be withheld until determination of this lawsuit.

21. On behalf of the Medical Examiner, Mr. Inoue responded that he would not release the autopsy report unless otherwise instructed by his supervisors.

22. Notwithstanding this agreement, on March 28, 2024, Plaintiffs' counsel received a call from Ernest H. Nomura, Esq., on behalf of Defendants, stating that the autopsy report would be released today.

23. Plaintiffs will suffer immediate and irreparable harm for which there is no adequate remedy at law if this extremely confidential/privileged information is released since, once released, it cannot be reclaimed and reconstituted as undisclosed privileged/confidential information. Moreover, there is no prejudice or harm to enjoining/restraining the release of this information until such time as a hearing is held on Plaintiffs' Motion for a Temporary Restraining Order and Motion for Preliminary Injunction.

COUNT I
DECLARATORY RELIEF (as to all Defendants)

24. Plaintiffs realleges and incorporates herein as if fully set forth its allegations in Paragraphs 1-23 of this Complaint.

25. As contemplated by HRS § 632-1, an actual controversy exists; and/or antagonistic claims between the parties will lead to imminent and inevitable litigation; and/or a party hereto asserts a legal relation, status, right, or privilege in which the party has a concrete interest and there is a challenge or denial of the asserted relation, status, right, or privilege by the adverse party, who also asserts a concrete interest herein.

26. Specifically, Plaintiffs seek a declaration from this Court that the intended release of the autopsy report violates HRS § 92F-14(b)(1), (2) and (10).

27. First, pursuant to Hawaii's Uniform Information Practices Act, codified by HRS § 92F-14(b)(1), the postmortem examination, autopsy report, and laboratory results constitute confidential medical information precluded from public disclosure.

28. Thus, the Medical Examiners release of Angus' medical information to the media constitutes a violation of HRS § 92F-14(b)(1).

29. Second, pursuant to Hawaii's Freedom of Information Act, codified by HRS § 92F-14, any information gathered by the Medical Examiner's office in conjunction with its examination of the body of Angus and/or its investigation into the death of Angus, the postmortem examination, autopsy report, and laboratory results constitute confidential information and/or documents precluded from public disclosure.

30. Thus, the Medical Examiners release of any information gathered as a result of its investigation, which remains open by the Honolulu Police Department, constitutes a violation of HRS 92F-14(b)(2).

31. Third, due to the recency of Angus' death, Plaintiffs Jolina and Mara are distraught and suffering from emotional distress. The release of the autopsy report and any related investigatory report to the media will worsen their respective conditions, forcing them to relive the last moments of Angus' life.

32. By virtue of the foregoing facts, an actual controversy exists between Plaintiffs on the one hand and Defendant on the other hand over whether Defendant is entitled to release private medical records to the media.

33. Plaintiffs have no adequate remedy at law to compensate Plaintiffs for, and protect Plaintiffs from, the consequences of Defendant's intended actions.

34. Based on the foregoing, Plaintiffs are entitled to a judicial determination and declaration that:

(a) Plaintiffs have a significant privacy interest as defined in HRS § 92F-14(b)(1), (2) and (10) which prevents disclosure of the autopsy report.

(b) The strength of Plaintiffs privacy interest, due to, among other things, the recency of Angus' death and the fact that the autopsy contains medical information outweighs any public interest in the disclosure of this information.

COUNT II
INVASION OF PRIVACY

35. Plaintiffs reallege and incorporate herein as if fully set forth its allegations in Paragraphs 1-34 of this Complaint.

36. Plaintiffs object to the release of any information gathered by the Medical Examiner in the examination of the body of Angus and/or investigation of Angus' death, including the postmortem examination report, autopsy report, the laboratory reports (including any contents, findings or conclusions of any of those reports), the death certificate prepared by the Medical Examiner's office as being strictly confidential/privileged information, the release of which would violate Plaintiffs' right to privacy.

37. Unless Defendant is restrained and enjoined by this Court from releasing such information to the general public and/or the press/news media, it will be free to do so and one or more will in fact do so, causing Plaintiffs to suffer immediate and irreparable harm for which there is no adequate remedy at law.

PRAYER FOR RELIEF

Based on the foregoing, Plaintiffs pray for the following relief:

- (1) that the Court take jurisdiction over this matter and hold a hearing or hearings with respect to the substantive claims on this Complaint;
- (2) that the Court enjoin the Medical Examiner from releasing Angus Mitchell's autopsy report;
- (3) that the Court issue judgment declaring that Plaintiffs have a significant privacy interest as defined in HRS § 92F-14(b)(1), (2) and (10) which prevents disclosure of the autopsy report;
- (4) that the strength of Plaintiffs' significant privacy interest outweighs any public interest in the disclosure of this information.
- (5) that the Court grant Plaintiffs their costs, attorneys' fees, and such other and further relief as may be deemed just in the premises.

DATED: Honolulu, Hawaii, March 28, 2024.

/s/ Christopher P. St. Sure

JASON M. TANI
CHRISTOPHER P. ST. SURE

Attorneys for Plaintiffs
ZACHARY G. SHUMAN, as Special
Administrator for the ESTATE OF ANGUS
SHANE PAUL MITCHELL, JOLINA
MITCHELL, AND MARA GOURDINE

**STATE OF HAWAI'I
CIRCUIT COURT OF THE
FIRST CIRCUIT**

**SUMMONS
TO ANSWER CIVIL COMPLAINT**

CASE NUMBER

PLAINTIFF'S NAME & ADDRESS, TEL. NO.

ZACHARY G. SHUMAN, as Special Administrator for the ESTATE OF ANGUS SHANE PAUL MITCHELL, JOLINA MITCHELL, AND MARA GOURDINE
c/o Jason M. Tani, Esq. and Christopher P. St. Sure, Esq.
Goodsill Anderson Quinn & Stifel LLP A Limited Liability Law Partnership LLP
First Hawaiian Center, Suite 1600, 999 Bishop Street, Honolulu, Hawaii 96813

PLAINTIFF

ZACHARY G. SHUMAN, as Special Administrator for the ESTATE OF ANGUS SHANE PAUL MITCHELL, JOLINA MITCHELL, AND MARA GOURDINE

VS.

DEFENDANT(S)

THE DEPARTMENT OF THE MEDICAL EXAMINER, CITY AND COUNTY OF HONOLULU, AND DOES 1-10,

TO THE ABOVE-NAMED DEFENDANT(S)

You are hereby summoned and required to filed with the court and serve upon:

Jason M. Tani, Esq. and Christopher P. St. Sure, Esq.,
Goodsill Anderson Quinn & Stifel LLP A Limited Liability Law Partnership LLP
First Hawaiian Center, Suite 1600, 999 Bishop Street, Honolulu, Hawaii 96813

attorneys for plaintiffs, as indicated above/whose address is stated above, an Answer to the Complaint, which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

THIS SUMMONS SHALL NOT BE PERSONALLY DELIVERED BETWEEN 10:00 P.M. AND 6:00 A.M. ON PREMISES NOT OPEN TO THE GENERAL PUBLIC, UNLESS A JUDGE OF THE ABOVE-ENTITLED COURT PERMITS, IN WRITING ON THIS SUMMONS, PERSONAL DELIVERY DURING THOSE HOURS.

A FAILURE TO OBEY THIS SUMMONS MAY RESULT IN AN ENTRY OF DEFAULT AND DEFAULT JUDGMENT AGAINST THE DISOBEYING PERSON OR PARTY.

The original document is filed in the Judiciary's electronic case management system which is accessible via eCourt Kokua at: <http://www.courts.state.hi.us>

Effective Date of 1-DEC-2021
Signed by: /s/ Patsy Nakamoto
Clerk, 1st Circuit, State of Hawai'i



If you need an accommodation for a disability when participating in a court program, service, or activity, please contact the ADA Coordinator of the XX Circuit as soon as possible to allow the court time to provide an accommodation. Phone No. 808-539-4400, TTY 808-539-4853, FAX 808-539-4402 or Send an e-mail to: adarequest@courts.hawaii.gov. The court will try to provide, but cannot guarantee, your requested auxiliary aid, service or accommodation.