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**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF HAWAII**

UNITED STATES OF AMERICA,

Plaintiff,

v.

KEITH MITSUYOSHI KANESHIRO (1),  
DENNIS KUNIYUKI MITSUNAGA (2),  
TERRI ANN OTANI (3),  
AARON SHUNICHI FUJII (4),  
CHAD MICHAEL MCDONALD (5),  
SHERI JEAN TANAKA (6),

Defendants.

Case No. CR-22-00048-JMS-WRP

**DEFENDANTS' MOTIONS IN  
LIMINE NO. 12 & 13 TO  
EXCLUDE "OTHER ACT"  
EVIDENCE RELATED TO (1)  
GRAND JURY PROCEEDINGS  
AND (2) FEDERAL CIVIL  
TRIAL; EXHIBITS 1-4;  
CERTIFICATE OF SERVICE**

Judge: Hon. J. Michael Seabright  
Trial Date: February 27, 2024

Defendants Keith Mitsuyoshi Kaneshiro, Dennis Kuniyuki Mitsunaga, Terri Ann Otani, Aaron Shunichi Fujii, Chad Michael McDonald and Sheri Jean Tanaka (“Defendants”) hereby move *in limine* to exclude at trial any evidence, questioning, statement, or argument that refers to two categories of “other act” evidence, pursuant to Fed. R. Evid. 403 and 404(b). On January 15, 2024 the government gave notice that it intends to introduce this evidence at trial. *See* Government’s Notice of Intent to Use Evidence Pursuant to Federal Rule of Evidence 404(b) (Dkt. 336) (“Govt. Notice”).

The first category of evidence, addressed by **Motion *in Limine* No. 12**, concerns the grand jury testimony of defendants and witnesses affiliated with Mitsunaga and Associates, Inc. (“MAI”). Defendants seek to preclude the government from using this testimony, or other conduct outside of the grand jury, to insinuate a wide-ranging conspiracy by defendants Mitsunaga, Otani, Fujii, McDonald and Tanaka (“MAI Defendants”), and other MAI-affiliated witnesses, to “thwart, impede and obstruct” the grand jury proceedings. Govt. Notice at 15. This supposed conspiracy by the MAI Defendants was not charged in the First Superseding Indictment (FSI) and the alleged conduct occurred three-and- a-half years after the end of the conspiracies charged in the FSI.

The second category of evidence, addressed by **Motion in Limine No. 13**, concerns statements and conduct by MAI’s attorneys during the course of litigation in two civil cases: *L.J.M. v. Mitsunaga & Associates, Inc.*, Civil Case No. 12-00468 (DKW-BMK) (District of Hawaii 2012) (“L.J.M. Civil Case”); and *Stanford H. Masui and Doretta L. Masui, Individually, and as Trustee, Doretta L. Masui Trust v. Edgar Kamaka, Demetrio Constantino dba DYC Electrical Services, L.L.C., TJJJ Corp., dba Air Flow System, Randall Phan, Laurel Mau, Mitsunaga and Associates, Inc., William Wong, and Jenken Architecture*, Civil Case No. 12-1-0424-02 (Hawaii Circuit Court 2012) (“Masui Civil Case”). Govt. Notice at 3-8. The government seeks to introduce evidence from these civil cases as proof of the MAI Defendants’ “planning, preparation, intent, absence of mistake, and lack of accident.” *Id.* at 4.

As detailed in both Motions *in Limine*, the noticed 404(b) evidence should be excluded because (1) it fails to satisfy the Ninth Circuit’s standard for the admissibility of “other act” evidence; and (2) under Rule 403, its negligible probative value, if any, is substantially outweighed by the dangers of wasting time, unfair prejudice, confusing the issues, and misleading the jury.

For these reasons, the Court should grant Motions *in Limine* Nos. 12 and 13.

**MOTION IN LIMINE NO. 12**  
**(Exclude Grand Jury Other Act Evidence)**

The government has announced its intention to turn the upcoming trial in this case, which alleges conspiracies to commit bribery and interfere with civil rights, into a trial about a third alleged conspiracy that occurred years later and was never charged: a supposed conspiracy by the MAI Defendants to obstruct the grand jury proceedings. By this Motion *in Limine*, Defendants move to preclude the government from introducing any evidence, asking any question, or making any reference to this supposed conspiracy to obstruct the grand jury. The Court should also prohibit the government from arguing the “consciousness of guilt” of any defendant based upon the allegedly obstructive conduct of any other individual affiliated with MAI.

**I. INTRODUCTION AND FACTUAL BACKGROUND**

Between February 4, 2021 and March 3, 2022, the prosecution team subpoenaed approximately 18 MAI-affiliated witnesses to the grand jury, for a total of approximately 45 appearances. Sheri Tanaka represented these witnesses, and four of them (defendant Otani and witnesses A.K., J.F., and S.W.) were subjected to motions to compel after they invoked their Fifth Amendment right against self-incrimination. After District Judges granted government motions compelling them to testify, they gave testimony on multiple occasions without further incident.<sup>1</sup> Govt.

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<sup>1</sup> Defendants have separately moved to exclude the District Court orders compelling witnesses to testify because they are inadmissible hearsay and would unfairly prejudice the jury. *See* Defendants’ Motion *in Limine* No. 4.



Notice at 16. The government further claims that three of the 18 MAI-affiliated witnesses represented by Ms. Tanaka lied to the grand jury (Defendant McDonald and witnesses L.M. and M.M.). *Id.* **None of the individuals that Ms. Tanaka represented have been charged with obstructing a criminal investigation under 18 U.S.C. § 1510, making a false declaration before a grand jury under § 1623; or perjury under § 1621.**

The First Superseding Indictment (FSI) alleges two complex conspiracies that ended in September 2017. FSI ¶ 20. Count One charges a § 371 conspiracy to commit bribery, with three separate objects, and alleges 52 overt acts in furtherance of that conspiracy. Count two charges a conspiracy against rights based upon multiple constitutional and statutory rights. The government now seeks to prove that the MAI Defendants engaged in an uncharged *third* conspiracy, to obstruct the grand jury proceedings, years after the conspiracies alleged in the FSI ended. The government conspicuously avoids calling the other act evidence a “conspiracy,” resorting instead to myriad euphemisms such as “collective behavior,” “collective conduct,” “concerted effort,” “concerted behavior,” and “acting in lockstep.” Govt. Notice at 15-16. But make no mistake: the government is really talking about an Uncharged Third Conspiracy, and intends to make it a central issue at trial.

As argued below, the Court should exclude this “other act” evidence and focus the trial solely on the two conspiracies actually charged in the FSI.

## II. LEGAL STANDARDS

Rule 404(b) provides that “Evidence of any other crime, wrong, or act is not admissible to prove a person’s character in order to show that on a particular occasion the person acted in accordance with the character.” Such evidence, however “may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident.”

Under Ninth Circuit law, the government meets its burden to admit 404(b) evidence if it shows that: “(1) the evidence tends to prove a material point; (2) the other act is not too remote in time; (3) the evidence is sufficient to support a finding that defendant committed the other act; and (4) (in certain cases) the act is similar to the offense charged.” *United States v. Bailey*, 696 F.3d 794, 799 (9th Cir. 2012) (citation omitted). To satisfy the first prong, “the government must articulate precisely the evidential hypothesis by which a fact of consequence may be inferred from the other acts evidence.” *United States v. Ramos-Atondo*, 732 F.3d 1113, 1123 (9th Cir. 2013) (internal citations omitted). Even if admissible under Rule 404(b), the Court may exclude evidence under Rule 403 if the danger of unfair prejudice, confusion of issues or waste of time substantially outweighs its probative value. *Id.*

## III. ARGUMENT

Any reference to the supposed Uncharged Third Conspiracy should be excluded because this other act evidence is inadmissible under Ninth Circuit law, and

because under Rule 403 its minimal probative value, if any, is outweighed by the risks of waste of time, unfair prejudice, misleading the jury, and confusion of issues.

**A. The Government Fails to Meet the Ninth Circuit’s Standard for the Admissibility of “Other Act” Evidence.**

The Court should exclude evidence, questioning and argument regarding the alleged Uncharged Third Conspiracy because that evidence fails to meet the four criteria for 404(b) admissibility established by the Ninth Circuit in *Bailey, supra*:

**1. The Alleged Other Act Evidence Does Not Tend to Prove a Material Point.**

The government contends that the Uncharged Third Conspiracy to obstruct the grand jury proceeding “demonstrates the MAI defendants’ *modus operandi* and consciousness of guilt”. Govt. Notice at 15. These two rationales fail the first prong of the *Bailey* test.

The government’s *modus operandi* argument is a Trojan Horse, **because the identities of the persons who committed the alleged offenses are not at issue here.** *Modus operandi* is typically not a stand-alone permitted purpose for Rule 404(b) character evidence—it is instead a method for proving the *identity* of a perpetrator. *See United States v. Anifowoshe*, 307 F.3d 643, 647 (7th Cir. 2002) (admitting evidence of *modus operandi* to prove identity); *accord United States v. Robinson*, 161 F.3d 463, 467 (7th Cir. 1998) (“Evidence of *modus operandi* is evidence that shows a defendant's distinctive method of operation. Such evidence may be properly admitted pursuant to Rule 404(b) to prove identity”); *see also United States v. Hudson*, 884

F.2d 1016, 1021 (7th Cir. 1989) (*modus operandi* evidence must be “sufficiently idiosyncratic to permit an inference of pattern for purposes of proof.”).

The government does not contend that identity is at issue in this case. There is no dispute that the MAI Defendants made campaign contributions to Mr. Kaneshiro, that Mr. Mitsunaga met with him, that Ms. Tanaka interacted with the DPA, or that Ms. Otani and Mr. McDonald submitted declarations supporting criminal charges against L.J.M. **Absent a need to prove identity, there is no permissible reason to admit evidence of a supposed *modus operandi*.** That would be improper propensity evidence, for “[i]f defined broadly enough, *modus operandi* evidence can easily become nothing more than the character evidence that Rule 404(b) prohibits.” *United States v. Smith*, 103 F.3d 600, 603 (7th Cir. 1996).

The government’s *modus operandi* rationale therefore fails as a permissible basis for admitting evidence of the supposed Uncharged Third Conspiracy.<sup>2</sup>

The government’s other rationale for admitting evidence of the Uncharged Third Conspiracy fares no better: that this 404(b) evidence shows the MAI

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<sup>2</sup> It is also worth noting that the supposed *modus operandi* alleged by the government fails to describe a “sufficiently idiosyncratic” similarity to the charged conduct. *Hudson*, 884 F.2d at 1021. The fact that a small minority of the MAI witnesses were compelled to answer questions after they invoked their Fifth Amendment rights, or that a couple of them allegedly made false statements to the grand jury, does not establish “a singular strong resemblance to the pattern of the offense charged.” *United States v. Shackelford*, 738 F.2d 776, 783 (7th Cir. 1984). The majority of the MAI witnesses repeatedly testified without incident, and a few recalcitrant witnesses do not make an alleged conspiracy.

Defendants’ “consciousness of guilt.” The government wrongly contends that invoking one’s Fifth Amendment right, delaying a grand jury proceeding or insulting a prosecutor evidences consciousness of guilt. **Not so.** Courts have typically found obstructive conduct to raise an inference of consciousness of guilt only in situations involving conduct such as “threatening or bribing a witness, fleeing from prosecution, and destruction or suppression of evidence.” *See, e.g., United States v. Skeddle*, 981 F. Supp. 1074, 1076 (N.D. Ohio 1997) (collecting cases). Particularly shocking is the government’s stated belief that a jury can infer consciousness of guilt from a Fifth Amendment invocation asserted in a “blanket” fashion. Govt. Notice at 15-16. The government cites no authority for this astonishing claim, which is blatantly unconstitutional. *See, e.g., Griffin v. California*, 380 U.S. 609 (1965) (forbidding instruction by court that criminal defendant’s silence is evidence of guilt); *United States v. Tillman*, 470 F.2d 142 (3d Cir. 1972) (comment on defendant’s silence effectively forces defendant to testify against himself).

Moreover, the government wrongly argues that consciousness of guilt can be established *collectively*—that one defendant’s consciousness of guilt can be extrapolated from hearsay statements made by **other individuals** before the grand jury. Consciousness of guilt, however, is specific to an individual’s **own acts**: such as the defendant who flushes narcotics down the toilet when police knock on his door, or who flees the country after the arrest of an accomplice. Putting aside situations where a witness provides percipient testimony, undersigned counsel is

aware of no authority under which the actions or statements of others—either individually or collectively—can establish consciousness of guilt for an individual criminal defendant.

The government further alleges that two MAI witnesses, and defendant McDonald, made “materially false statements” to the grand jury, and that this establishes “consciousness of guilt” for “*all* MAI defendants.” But each witness swears an oath and testifies for themselves, not any other person. If a witness deliberately made a false statement, under some circumstances it may be fair to infer consciousness of guilt *for that witness*. But there is no legal, or logical, basis to impart that consciousness of guilt to a *third party*. The government’s arguments here border on frivolous. It contends, for example, that witness L.M. (a non-lawyer) made a “materially false statement” when she testified that L.J.M.’s criminal charges had been dismissed because of a “technicality.” Govt. Notice at 16. Even if this statement rose to the level of a knowing materially false statement, there is no evidence that defendants Otani, McDonald or Fujii gave such testimony or endorsed it. The government similarly claims that witness M.M. made a materially false statement when she testified, “I don’t recall.” But the government never moved to compel M.M.’s testimony or hold her in contempt, and has apart from insinuations has offered no evidence to establish that this statement was false. But even if M.M.’s testimony *were* shown to be materially false, it would still not be evidence of consciousness of guilt for any *other* person.

The government’s “evidential hypothesis” is unsupported by law or logic. *See United States v. Ramos-Atondo*, 732 F.3d 1113, 1123 (9th Cir. 2013). It is simply trying to portray the MAI Defendants as having a propensity to break the law by conspiring to “achieve and obfuscate its criminal objectives.” Govt. Notice at 16. This is impermissible character evidence under Rule 404(a)(1) and must be excluded.

**2. The Alleged Other Act is Too Remote in Time.**

The government’s proffered evidence fails *Bailey’s* second prong as well. The supposed Uncharged Third Conspiracy to obstruct the grand jury only could have begun, at the earliest, in February 2021, when the government started calling MAI witnesses to the grand jury. This occurred about three-and-a-half years after the last alleged overt act, September 25, 2017. *See* FSI, Overt Act 51. Given this substantial period of time, the government cannot meet its burden under *Bailey* of showing that the proffered “other act” evidence is not “too remote in time” from the charged conduct. *United States v. Bailey*, 696 F.3d at 799.

**3. The Evidence Does Not Support a Finding That Any Defendant Committed the Alleged Other Act.**

*Bailey* also requires the government to establish that the 404(b) other act evidence, here the Uncharged Third Conspiracy, was actually committed by all of the MAI defendants. For the reasons previously stated, the government has failed to do so. Even if some witnesses *had* provided materially false statements to the grand jury, there is no evidence that the MAI defendants conspired to make that happen. To

the contrary, when defendant Otani and witness V.E., H.U., and others were asked whether Ms. Tanaka had instructed them to say anything in the grand jury, they replied that she had told them to tell the truth. Again, the fact that MAI coordinated its response to grand jury subpoenas through a single attorney is unexceptional, and does not establish that any MAI defendant conspired to have witnesses invoke their Fifth Amendment rights or lie to the grand jury. Under *Bailey*, the government must proffer evidence to establish that each defendant committed the alleged overt act. The innuendo and supposition offered by the government fail to meet this burden.

**4. The Alleged Other Act is Not Similar to the Offense Charged.**

Finally, *Bailey* requires that the government establish that the other act is similar to the offense charged, in circumstances where the government proffers the “other act” as evidence of a unique “*modus operandi*.” The government fails this test as well because, as discussed previously in Section II.A.1, it proffers no evidence that MAI conspired to obstruct the grand jury through the *same methods* allegedly used to further of the charged conspiracies (*i.e.*, bribery and interference with federal rights).

Based on the government’s failure to satisfy the *Bailey* standards for 404(b) admissibility, the Court should grant Motion in Limine No. 12.

**B. Evidence of the Alleged Uncharged Third Conspiracy Should be Excluded Under Rule 403 Due to the Danger of Unfair Prejudice, Wasting Time, Confusing the Issues and Misleading the Jury.**

Even if evidence of the Uncharged Third Conspiracy satisfied the *Bailey* standard for the admissibility of “other act” evidence, which it clearly does not, its



minimal probative value would be outweighed by the danger of unfair prejudice, wasting time, confusing the issues, and misleading the jury under Rule 403.

To begin with, the alleged Uncharged Third Conspiracy to obstruct the grand jury has no legitimate probative value. It cannot be used to establish *modus operandi* because identity is not at issue. Nor does it tend to establish any defendant's "consciousness of guilt." *See* discussion *supra*, Section II.A.1.

Allowing the government latitude to attempt to prove the Uncharged Third Conspiracy would result in a substantial waste of time, because it would prompt a "trial within a trial" focused on whether this supposed conspiracy actually occurred. Except for those defendants who testified in the grand jury, the government could not rely on grand jury transcripts to establish the supposed conspiracy and would have to call numerous witnesses to avoid hearsay objections. In fairness, the Court would have to permit the defense to respond by calling *other* MAI grand jury witnesses—not to address the charges in the FSI but to rebut the government's contentions regarding the Uncharged Third Conspiracy. This case is already projected to take at least two months of the Court's time. Permitting a mini-trial on the Uncharged Third Conspiracy would make it substantially longer.

The danger of undue prejudice is also extremely high. The MAI defendants should be tried for the offenses charged in the FSI and nothing more. Allowing the government to imply additional criminal wrongdoing—an implication conveyed by merely mentioning the word "obstruction"—would invite the jury to find the

defendants guilty of that uncharged conduct and thereby increase the chances of conviction on the actual charged offenses. It is unclear whether the alleged Uncharged Third Conspiracy would satisfy the elements of any crime under federal law (indeed, if such evidence existed, this aggressive prosecution team would presumably have charged it). But because the Court will not be instructing the jury on the elements of perjury, false declarations to a grand jury, or obstruction of justice, the jury would likely decide the issue based on a layperson's understanding of crimes related to obstruction—which would never happen if these crimes had been formally charged. As such, the evidence runs a very high risk of misleading the jury.

Finally, the other act evidence runs a high danger of confusing the issues. There are already two conspiracies charged in this case, and neither of them extend to a conspiracy to obstruct the grand jury. Permitting the government to argue the existence of the Uncharged Third Conspiracy will create additional grounds for confusion in an already complex case.

For these reasons, the Rule 403 balancing analysis weighs strongly in favor of excluding evidence of the Uncharged Third Conspiracy.

#### **IV. CONCLUSION**

For the foregoing reasons, the Court should grant Defendants' Motion in Limine No. 12.

**MOTION IN LIMINE NO. 13**  
**(Exclude L.J.M. and Masui Civil Cases Evidence)**

The government has given notice that it intends to introduce at trial certain conduct and statements of Ms. Tanaka and her co-counsel made during the L.J.M. Civil Case and Masui Civil Case. Govt. Notice at 3-8. The defense has argued that testimonial statements made in the L.J.M. Civil Case may be admitted at trial, provided they are relevant and satisfy hearsay requirements. *See* Defendants’ Motion *in Limine* No. 5. The government, however, seeks to go beyond this and also admit at trial a significant amount of the briefing and legal arguments in the L.J.M. Civil Case—and those in the Masui Civil Case as well. The jury, however, is not qualified to evaluate the relative merits of the arguments made by the litigants in these cases, or the legal strategies behind them. Allowing this evidence would unfairly prejudice the MAI Defendants, confuse the issues, mislead the jury, and significantly waste time.

By this Motion *in Limine*, Defendants move to preclude the government from introducing any evidence about legal arguments or litigation conduct in the L.J.M. Civil Case or the Masui Civil Case. To be clear: the defense does *not* seek to exclude factual statements made by witnesses or by the attorneys in the L.J.M. Civil Case, provided that they are relevant under Rule 401, more probative than prejudicial under Rule 403, and not inadmissible hearsay under Rules 801 and 803. By contrast, the defense seeks to exclude the attorneys’ written and oral *legal* arguments and

operative litigation conduct (together, “Attorney Litigation Conduct”) that occurred in either prior civil case.

## **I. INTRODUCTION AND FACTUAL BACKGROUND**

In the L.J.M. Civil Case, MAI was represented throughout by attorney Sheri Tanaka and her co-counsel Myron Takemoto. In that case, all decisions on behalf of MAI were made jointly by these two attorneys. The prosecution team subpoenaed Mr. Takemoto to the grand jury, but has never accused him of any crime.

In her civil case, L.J.M. alleged claims of federal and state sex and age discrimination, retaliation, negligent and intentional infliction of emotional distress, and punitive damages against MAI. As is common in civil litigation, the case generated a large number of docket entries and a great deal of sparring between attorneys for the litigants. *See* L.J.M. Civil Case docket sheet, attached hereto as Exh. 1. The Attorney Litigation Conduct in that case encompassed typical disputes over discovery, multiple motions *in limine*, and motions to dismiss. After eight days of trial the jury found no liability on any L.J.M. claim or MAI counterclaim, except for finding L.J.M. liable on MAI’s counterclaim for breach of the duty of loyalty. *See* FSI ¶ 14.

The Masui Civil Case was similarly complex. Although it ultimately settled before trial, it involved approximately three years of pretrial litigation that included administrative hearings, discovery disputes, motions to dismiss, and various non-dispositive motions. *See* Masui Civil Case summary, attached as Exh. 2.

## II. ARGUMENT

Any reference to Attorney Litigation Conduct in either the L.J.M. Civil Case or Masui Civil Case should be excluded under Rule 403 because its minimal probative value, if any, is outweighed by the danger of waste of time, unfair prejudice, misleading the jury, and confusion of issues. Consistent with their Motion *in Limine* No. 2, Defendants seek here to exclude only Attorney Litigation Conduct and not the pure fact of the jury verdict or a court order, which in certain circumstances may be relevant for legitimate non-hearsay purposes.

### A. The Attorney Litigation Conduct has No Probative Value.

The government contends that the Attorney Litigation Conduct is relevant in this criminal case for a smorgasbord of reasons. Govt. Notice at 3-8. It supposedly tends to prove that the MAI Defendants had a “*modus operandi* of taking frivolous and baseless positions within the judicial system” with the goal of “getting L.J.M. at all costs,” *Id.* at 8; that they knew that the prosecution of L.J.M. was assured because MAI had bribed Kaneshiro, *Id.* at 4; that Kaneshiro had “immediately” started investigating L.J.M., *Id.* at 5, that the MAI Defendants attempted to “hide the existence of a criminal conspiracy,” *Id.* at 5-6, and that they knew there was “no evidence to support charging L.J.M.,” *Id.* at 6-7.

For example, the government claims that MAI’s attorneys advocated a position in the Masui Civil Case contrary to their advocacy in the L.J.M. Civil Case. *Id.* at 7-8. Specifically, that a motion for summary judgment filed by MAI’s attorneys in the

Masui Civil Case in August 2014 conflicted with “positions that MAI took in the federal civil case just weeks earlier.” *Id.* In fact, these positions were *not* in conflict, for reasons that the defense will explain at trial if need be.

The government argues that this Attorney Litigation Conduct proves that MAI had a “*modus operandi* of taking frivolous and baseless positions within the legal system in order to achieve its desired outcome of getting L.J.M. at all costs.” *Id.* at 8. But as discussed in defendants’ Motion *in Limine* No. 12, *modus operandi* is not an issue in this case, because the identities of the persons who committed the alleged offenses are not in dispute. *See* discussion *supra* at 6-7. In any event, because the government broadly defines this supposed *modus operandi*, it fails to establish “a singular strong resemblance to the pattern of the offense charged,” making it “nothing more than the character evidence that Rule 404(b) prohibits.” *United States v. Smith*, 103 F.3d 600, 603 (7th Cir. 1996).

The government’s other arguments fare no better. MAI did not file its motion to dismiss in the Masui Civil Case for the purpose of “getting” L.J.M. (whatever that means). To the contrary, MAI and L.J.M. were fellow co-defendants in that matter, and MAI was seeking to dismiss plaintiff Masui’s claims against it. In any event, attorneys frequently take conflicting positions in different cases—such as Special Attorneys Michael Wheat and Colin McDonald, who seek to introduce prior judicial rulings as evidence in this case, despite having argued strenuously in an earlier case before this Court that such rulings should be *excluded* as prejudicial and as

inadmissible hearsay. *See* Defendants’ Motions *in Limine* No. 1 and 2. Facts may be characterized differently in different cases depending on the legal issues involved. This provides evidence only of advocacy, not evidence of “frivolous or baseless positions,” or an effort to “get” L.J.M. Finally, Ms. Tanaka and her co-counsel were representing the corporate entity MAI in these cases, not any of the individual MAI Defendants. So even if any of the individual MAI Defendants *had* been aware of the specific arguments made in the two cases—and there is no evidence of this—there still would be no basis for holding them responsible for counsel’s assertions.

In another example, the government argues that a discovery dispute in the L.J.M. Civil Case is evidence that Defendants tried to “hide the existence of a criminal conspiracy.” Govt. Notice at 5-6. To that end, it misrepresents an email communication between defendant Kaneshiro’s executive assistant and Ms. Tanaka, which it had characterized as “assurances from Kaneshiro’s office that it would not produce the documents it had received from MAI to L.J.M.” *Id.* at 5. In fact, Ms. Tanaka, a civil practitioner, had been seeking clarification from the DPA as to whether it was permissible for a criminal complainant to produce in civil discovery documents that had been confidentially provided to the DPA in the course of a criminal investigation. *See* March 11, 2014 email exchange, attached as Exh. 3. She ultimately produced this discovery in the L.J.M. Civil Case, which the DPA, consistent with its *Brady* obligations, also provided to L.J.M. as discovery in her criminal case.

Again, any positions that Ms. Tanaka and co-counsel Takemoto took with respect to document production in the L.J.M. Civil Case were taken on behalf of the corporation MAI and cannot be ascribed to the individual MAI Defendants.

Moreover, this Attorney Litigation Conduct does not evidence an attempt to “hide the existence of a criminal conspiracy” but instead an effort to control the documents provided to a civil litigation adversary—the bread-and-butter work of a civil litigator. In any event, the documents were ultimately produced and MAI was *never* sanctioned for discovery violations in the L.J.M. Civil Case.

The government also seeks to make hay of a non-action: the failure of Mr. Takemoto and Ms. Tanaka to oppose an oral motion for judgment as a matter of law on MAI’s counterclaim for conversion, pursuant to Fed. R. Civ. P. 50. This argument is a real stretch: that counsels’ decision not to oppose was somehow a concession that L.J.M. had not committed a crime—in other words, that the elements of conversion are identical to the elements of second-degree theft by deception under Hawaii Revised Statute § 708-831(1)(b), which they are not.

The government conceals from the Court the full context of the Attorney Litigation Conduct, which makes it crystal-clear that it was Mr. Takemoto—not Ms. Tanaka—who made the oral motion to dismiss the conversion counterclaim. *See* transcript of July 23, 2014 Rule 50 hearing, attached as Exh. 4, at 49, 61.

Significantly, during that hearing Mr. Takemoto steadily maintained the position that L.J.M. had falsified her timesheets and defrauded MAI out of \$2,800 with respect to



the R.A. side job—**the same basic facts that supported the theft charges against L.J.M.** *Id.* at 57-59. It is true that Mr. Takemoto and Ms. Tanaka did not oppose dismissal of MAI’s counterclaims for conversion and tortious interference with prospective economic advantage—claims on which the judge indicated he had “significant issue.” *Id.* at 49, 55. Mr. Takemoto did, however, strongly defend MAI’s remaining counterclaims, including those for fraud and breach of the duty of loyalty. He specifically argued that the evidence at trial showed that L.J.M. had falsified her time sheets and had double-dipped by billing MAI for the time she spent on the R.A. side job, even though he paid her \$2,800. *Id.* at 57-59. The Court sided with MAI on all remaining counterclaims and denied L.J.M.’s motion, sending these issues to the jury. *Id.* at 61. The jury ultimately returned a verdict for MAI on its counterclaim for breach of the duty of loyalty.

The various episodes of Attorney Litigation Conduct have no probative value for a final overarching reason as well. Attorneys act in a representative capacity on behalf of a client. Decisions made in litigation are complex and often involve a multitude of factors. The government’s theory of relevance is entirely speculative because there is no evidentiary basis for attributing any responsibility for a particular litigation action or decision to a particular defendant. For this reason, the Court should preclude the government from arguing any inferences whatsoever based upon Attorney Litigation Conduct.

For all of these reasons, the Attorney Litigation Conduct proffered by the government is not probative of any fact at issue in this case.

**B. Evidence of Attorney Litigation Conduct Should be Excluded Under Rule 403 Due to the Dangers of Unfair Prejudice, Wasting Time, Confusing the Issues, and Misleading the Jury.**

The nonexistent evidentiary value of the Attorney Litigation Conduct is greatly outweighed under Rule 403 by the dangers of unfair prejudice, wasting time, confusing the issues, and misleading the jury.

As demonstrated above, the Attorney Litigation Conduct can only be understood in the overall context of the L.J.M. Civil Case and Masui Civil Case. The jury will inevitably be misled as to the motivations of Ms. Tanaka and her co-counsel unless much more evidence about this prior litigation is introduced at trial. This will create another “trial within a trial” that will waste time and confuse the issues.

The government argues that MAI’s counsel took contradictory and “frivolous” positions in the L.J.M. Civil Case and Masui Civil Case, based on a motion to dismiss filed in the latter—and that this “contradiction” proves that the MAI Defendants knew that L.J.M. had not committed a crime. In order for the jury to evaluate this argument and not be misled, the defense will need to walk the jury through the nature of the Masui Civil Case, in which MAI and L.J.M. were co-defendants, the context and purpose of MAI’s motion to dismiss, explain the substance of MAI’s legal arguments regarding *respondeat superior* and negligent supervision/retention, and compare and contrast these with the disputed issues in the L.J.M. Civil Case. This

will require substantial time and will create a danger of confusing the issues—since the jury will be composed of laypersons ill-equipped to evaluate whether legal arguments are contradictory or frivolous.

The government similarly argues that the decision by MAI's counsel not to oppose L.J.M.'s oral motion to dismiss MAI's conversion claim proves that the MAI Defendants knew that she had not committed theft. Again, the jury could not possibly evaluate this claim accurately without context. The defense would have to present evidence as to (1) the standards for granting a Fed. R. Civ. P. 50 motion; (2) the elements of conversion; (3) the elements of theft by deception under HRS § 708-831(1)(b); (4) the reasons why MAI's attorneys decided to dismiss the MAI's counterclaims for conversion and tortious interference; and (5) the facts and arguments that Ms. Tanaka made in defense of MAI's counterclaim for fraud—a claim that shared a common factual basis as the theft charges ultimately brought by the DPA. The mini-trial focused on the dismissal of MAI's conversion claim will consume substantial time and create a danger of confusing the issues. These are fundamentally questions of law that a lay jury is not qualified to evaluate.

Again, this case will already consume at least two months of the Court's time. Permitting multiple mini-trials on the minutiae of litigation from the L.J.M. Civil Case and the Masui Civil Case would make it substantially longer.

Finally, the MAI Defendants would be unfairly prejudiced if the litigation tactics employed by the corporation's counsel were placed before the jury. Civil

litigation can be cut-throat, and the record indicates that both MAI and L.J.M. were represented zealously by counsel. But aggressive litigation tactics, while entirely permissible, may be seen as unsavory by a lay jury. Evidence of a party's litigiousness is commonly excluded under Rule 404(b). *See* discussion in Defendants' Motion in Limine No. 14 at 4-5. Much of MAI's litigation strategy was taken in response to actions by opposing counsel—but that side of the equation would receive little, if any, attention. Ultimately the danger exists that a jury, ill-equipped to evaluate the propriety of litigation decisions, may misconstrue and dislike them, form an unfavorable opinion of Ms. Tanaka or the other MAI Defendants based on speculation as to who made them, and thereby attribute some criminal culpability to those tactics.

Under Rule 403, the minimal (if any) probative value of the Attorney Litigation Conduct is greatly outweighed by the dangers of waste of time, unfair prejudice, confusing the issues, and misleading the jury. The Court should therefore exclude this evidence from trial.

### III. CONCLUSION

For the foregoing reasons, the Court should grant Defendants' Motion in Limine No. 13.

Respectfully submitted,

DATED: January 22, 2024

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served on the following counsel at their last known addresses by the CM/ECF system on the date indicated below:

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DATED: January 22, 2024

Respectfully submitted,

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By: /s/ Mark Mermelstein  
MARK MERMELSTEIN

Attorneys for Defendant  
Sheri Jean Tanaka

# EXHIBIT 1



**U.S. District Court  
District of Hawaii (Hawaii)  
CIVIL DOCKET FOR CASE #: 1:12-cv-00468-DKW-BMK**

Mau v. Mitsunaga & Associates, Inc.  
Assigned to: CHIEF JUDGE DERRICK K. WATSON  
Referred to: Judge BARRY M. KURREN  
Case in other court: USCA for the Ninth Circuit, 14-17370  
USCA for the Ninth Circuit, 15-15109  
Cause: 28:1331 Fed. Question: Employment Discrimination

Date Filed: 08/20/2012  
Date Terminated: 07/31/2014  
Jury Demand: Both  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: Federal Question

Date Filed	#	Docket Text
08/20/2012	<u>1</u>	COMPLAINT; # <u>1</u> DEMAND FOR JURY TRIAL, # <u>2</u> SUMMONS issued against Mitsunaga & Associates, Inc., filed by Laurel J. Mau.(Attachment:# <u>3</u> Civil Cover Sheet)(bbb, ) (Entered: 08/22/2012)
08/20/2012	<u>2</u>	Civil Filing fee: \$ 350.00, receipt number HI004903 re <u>1</u> Complaint (bbb, ) (Entered: 08/22/2012)
08/20/2012	<u>3</u>	Order Setting Rule 16 Scheduling Conference for 09:00AM on 11/19/2012 before RONALD SW LEW.. Signed by JUDGE SUSAN OKI MOLLWAY on August 20, 2012. (Attachments: # <u>1</u> Memo to all counsel Corporate Disclosure statements)(bbb, ) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 08/22/2012)
11/09/2012	<u>4</u>	EO: The Rule 16 Scheduling Conference set for 11/19/2012 is CONTINUED to 9:00AM on 1/11/2013 before Judge BARRY M. KURREN. Scheduling Conference Statements are due 1/4/2013. (Judge BARRY M. KURREN)(kur2) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 11/09/2012)
11/09/2012	<u>5</u>	SUMMONS Returned Executed by Laurel J. Mau. MITSUNAGA & ASSOCIATES, INC. served on 10/25/2012, answer due 11/15/2012. (afc) (Entered: 11/14/2012)
11/15/2012	<u>6</u>	ANSWER to <u>1</u> Complaint with Jury Demand; Certificate of Service – by Mitsunaga & Associates, Inc. (afc) (Entered: 11/15/2012)
01/04/2013	<u>7</u>	Scheduling Conference Statement by <i>Plaintiff Laurel J. Mau.</i> (Osaki, Carl) (Entered: 01/04/2013)
01/04/2013	<u>8</u>	Corporate Disclosure Statement; Certificate of Service by Mitsunaga & Associates, Inc. (afc) (Entered: 01/07/2013)
01/04/2013	<u>9</u>	Scheduling Conference Statement; Certificate of Service – by Mitsunaga & Associates, Inc. (afc) (Entered: 01/07/2013)
01/11/2013	<u>10</u>	EP: Rule 16 Scheduling Conference held. Dates and deadlines are provided below. Court to prepare scheduling order. Court grants Defendant's oral request to serve thirty additional interrogatories upon Plaintiff. Parties are required to meet and confer to attempt to reach an agreement re discovery. Jury Selection/Trial set for 12/10/2013 @ 9:00 AM before JUDGE LESLIE E. KOBAYASHI. Final Pretrial Conference set for 10/29/2013 @ 09:30 AM before Judge BARRY M. KURREN. Settlement Conference set for 10/1/2013 @ 10:00 AM before Judge BARRY M. KURREN. Motions due by 7/10/2013. Discovery due by 10/11/2013. (FTR-Ctrm C7 No Record; 9:15-9:24) (Judge BARRY M. KURREN)(tyk) <hr/>

EXHIBIT 1

		CERTIFICATE OF SERVICE
		Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 01/11/2013)
01/23/2013	<u>11</u>	RULE 16 SCHEDULING ORDER: Signed by Judge BARRY M. KURREN on 1/23/2013. (afc)
		CERTIFICATE OF SERVICE
		Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 01/23/2013)
02/26/2013	<u>12</u>	CERTIFICATE OF SERVICE by Laurel J. Mau ( <i>Plaintiff's Response to Defendant Mitsunaga &amp; Associates, Inc.'s First Request for Answers to Interrogatories to Plaintiff Laurel J. Mau</i> ) (Osaki, Carl) (Entered: 02/26/2013)
02/26/2013	<u>13</u>	CERTIFICATE OF SERVICE by Laurel J. Mau ( <i>Plaintiff's Response to Defendant Mitsunaga &amp; Associates, Inc.'s First Request for Production of Documents To Plaintiff Laurel J. Mau</i> ) (Osaki, Carl) (Entered: 02/26/2013)
03/13/2013	<u>14</u>	CERTIFICATE OF SERVICE – by Mitsunaga & Associates, Inc. (emt, ) (Entered: 03/18/2013)
03/13/2013	<u>15</u>	CERTIFICATE OF SERVICE – by Mitsunaga & Associates, Inc. (emt, ) (Entered: 03/18/2013)
04/15/2013	<u>16</u>	CERTIFICATE OF SERVICE by Mitsunaga & Associates, Inc. re: Notice of Taking Deposition – Laurel J. Mau. [Case number is reflected as CV 12–00468–LEK. The correct case number is CV 12–00468–LEK–BMK] (afc) (Entered: 04/16/2013)
04/18/2013	<u>17</u>	CERTIFICATE OF SERVICE by Mitsunaga & Associates, Inc. re: Amended Notice of Taking Deposition – Laurel J. Mau. (afc) (Entered: 04/19/2013)
04/19/2013		ADVISORY ENTRY. The case number is not reflected in its entirety on the Certificate of Service filed by Mitsunaga & Associates, Inc. (doc <u>17</u> ). Please reflect the case number as CV 12–00468–LEK–BMK on future pleadings. (afc) (Entered: 04/19/2013)
05/10/2013	<u>18</u>	ORDER OF REASSIGNMENT OF CASES. Case reassigned to JUDGE DERRICK K. WATSON for all further proceedings. JUDGE LESLIE E. KOBAYASHI no longer assigned to case <a href="#">Please reflect new case number CV 12–00468 DKW–BMK on all further pleadings</a> ). Signed by JUDGE LESLIE E. KOBAYASHI on 5/10/2013. (gab, )
		CERTIFICATE OF SERVICE
		Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 05/13/2013)
05/10/2013	<u>20</u>	Defendant Mitsunaga & Associates, Inc.'s MOTION FOR LEAVE TO FILE COUNTERCLAIM;# <u>1</u> Memorandum in Support of Motion, # <u>2</u> Exhibit A, # <u>3</u> Certificate of Service. (bbb, ) (Entered: 05/13/2013)
05/13/2013	<u>19</u>	ORDER OF REASSIGNMENT OF CASES re <u>18</u> – Signed by CHIEF JUDGE SUSAN OKI MOLLWAY on 5/10/13. "This order supersedes any case assignments submitted this week in these cases." <a href="#">PLEASE REFLECT NEW CASE NUMBER CV 12–00468 DKW–BMK ON ALL FURTHER FILINGS.</a> (emt, )
		CERTIFICATE OF SERVICE
		Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 05/13/2013)
05/14/2013	<u>21</u>	NOTICE of Hearing on <u>20</u> Defendant's Motion For Leave To File Counterclaim set for 6/24/2013 at 10:00 AM before Judge BARRY M. KURREN. (kur1)
		CERTIFICATE OF SERVICE

		Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry. (Entered: 05/14/2013)
05/14/2013	22	EO: The Jury Selection/Trial set for 09:00 AM on 12/10/2013 is now set before JUDGE DERRICK K. WATSON. (Judge BARRY M. KURREN)(kur1) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 05/14/2013)
06/03/2013	<u>23</u>	MEMORANDUM in Opposition re <u>20</u> MOTION for Leave to File <i>Counterclaim</i> filed by Laurel J. Mau. (Attachments: # <u>1</u> Affidavit of Carl H. Osaki, # <u>2</u> Exhibit A, # <u>3</u> Certificate of Service)(Osaki, Carl) (Entered: 06/03/2013)
06/06/2013	24	EO: The hearing on <u>20</u> Defendant's Motion For Leave To File Counterclaim, which was set for 6/24/2013, is MOVED to 6/25/2013 at 11:00AM before Judge BARRY M. KURREN. (Judge BARRY M. KURREN)(kur2) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 06/06/2013)
06/10/2013	<u>25</u>	Expert Witness Disclosure. filed by Laurel J. Mau. (Attachments: # <u>1</u> Certificate of Service)(Osaki, Carl) (Entered: 06/10/2013)
06/10/2013	<u>26</u>	CERTIFICATE OF SERVICE by Mitsunaga & Associates, Inc. (eps) (Entered: 06/10/2013)
06/10/2013	<u>27</u>	CERTIFICATE OF SERVICE by Mitsunaga & Associates, Inc. (eps) (Entered: 06/10/2013)
06/11/2013	<u>28</u>	REPLY re <u>20</u> MOTION for Leave to File <i>Counterclaim</i> filed by Mitsunaga & Associates, Inc.. (Tanaka, Sheri) (Entered: 06/11/2013)
06/12/2013	29	EO: <u>20</u> Defendant's Motion For Leave To File Counterclaim set for 6/25/2013 is continued to 6/26/2013 @ 10:00 AM before Judge BARRY M. KURREN. (Judge BARRY M. KURREN)(tyk) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 06/12/2013)
06/26/2013	<u>30</u>	EP: Hearing on <u>20</u> Defendant's Motion For Leave To File Counterclaim held. This Motion is GRANTED.New dates given. Court to prepare scheduling order. Discovery due by 4/18/2014. Motions due by 1/15/2014. Final Pretrial Conference set for 5/6/2014 09:30 AM before Judge BARRY M. KURREN. Jury Selection/Trial set for 09:00 AM on 6/16/2014 before JUDGE DERRICK K. WATSON. Settlement Conference set for 3/27/2014 10:00 AM before Judge BARRY M. KURREN. (C7F 10:00-10:04am.) (Judge BARRY M. KURREN)(kur2) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 06/26/2013)
06/28/2013	<u>31</u>	AMENDED RULE 16 SCHEDULING ORDER:. Signed by Judge BARRY M. KURREN on 06/28/2013. (eps) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 06/28/2013)

07/19/2013	<u>32</u>	ORDER GRANTING DEFENDANT MITSUNAGA & ASSOCIATES, INC.'S MOTION FOR LEAVE TO FILE COUNTERCLAIM, FILED MAY 10, 2013 re <u>30</u> , <u>20</u> . Signed by Judge BARRY M. KURREN on 07/19/2013. (eps) <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 07/19/2013)
07/22/2013	<u>33</u>	COUNTERCLAIM against Laurel J. Mau, filed by Mitsunaga & Associates, Inc.(Tanaka, Sheri) (Entered: 07/22/2013)
07/29/2013	<u>34</u>	CERTIFICATE OF SERVICE by Mitsunaga & Associates, Inc. (Tanaka, Sheri) (Entered: 07/29/2013)
07/29/2013	<u>35</u>	Return of Service on Subpoena Thomas T. Ueno was served on July 26, 2013 (Tanaka, Sheri) (Entered: 07/29/2013)
08/01/2013	<u>36</u>	CERTIFICATE OF SERVICE by Laurel J. Mau re <u>34</u> Certificate of Service ( <i>Plaintiff's Responses to Defendant Mitsunaga &amp; Associates, Inc.'s First Request for Admissions to Plaintiff Laurel J. Mau (Dated July 26, 2013)</i> ) (Osaki, Carl) (Entered: 08/01/2013)
08/01/2013	<u>37</u>	<i>Plaintiff's ANSWER to <u>33</u> Counterclaim Of Defendant Mitsunaga &amp; Associates, Inc. (Filed July 22, 2013)</i> by Laurel J. Mau. (Attachments: # <u>1</u> Certificate of Service)(Osaki, Carl) (Entered: 08/01/2013)
12/13/2013	<u>38</u>	CERTIFICATE OF SERVICE by Laurel J. Mau ( <i>re: Plaintiff Laurel J. Mau's Second Request for Answers to Interrogatories to Defendant Mitsunaga &amp; Associates, Inc.</i> ) (Osaki, Carl) (Entered: 12/13/2013)
12/13/2013	<u>39</u>	CERTIFICATE OF SERVICE by Laurel J. Mau ( <i>Plaintiff Laurel J. Mau's Secdon Request for Production of Documents and Things to Defendant Mitsunaga &amp; Associates, Inc.</i> ) (Osaki, Carl) (Entered: 12/13/2013)
12/13/2013	<u>40</u>	CERTIFICATE OF SERVICE by Mitsunaga & Associates, Inc. (Tanaka, Sheri) (Entered: 12/13/2013)
12/26/2013	<u>41</u>	CERTIFICATE OF SERVICE by Laurel J. Mau ( <i>Plaintiff Laurel J. Mau's Third Request For Production Of Documents And Things To Defendant Mitsunaga &amp; Associates, Inc., dated December 26, 2013</i> ) (Osaki, Carl) (Entered: 12/26/2013)
01/15/2014	<u>42</u>	CERTIFICATE OF SERVICE by Laurel J. Mau ( <i>Plaintiff's Response to Defendant Mitsunaga &amp; Associates, Inc.'s Second Request for Production of Documents To Plaintiff Laurel J. Mau (Dated December 13, 2013)</i> ) (Osaki, Carl) (Entered: 01/15/2014)
02/11/2014	<u>43</u>	CERTIFICATE OF SERVICE by Laurel J. Mau ( <i>Plaintiff Laurel J. Mau's Fourth Request for Production of Documents and Things to Defendant Mitsunaga &amp; Associates, Inc.</i> ) (Osaki, Carl) (Entered: 02/11/2014)
02/25/2014	44	EO: Due to a conflict with the Court's schedule, the Settlement Conference set for 3/27/2014 is CONTINUED to 4/9/2014 at 2:00PM before Judge BARRY M. KURREN. Confidential Settlement Conference Statements are due 4/2/2014. (Judge BARRY M. KURREN)(kur2) <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 02/25/2014)
03/03/2014	<u>45</u>	NOTICE by Laurel J. Mau of <i>Taking Deposition Upon Oral Examination (Lynn Taguchi; Violeta Elefano)</i> Laurel J. Mau. (Attachments: # <u>1</u> Certificate of Service)(Osaki, Carl) (Entered: 03/03/2014)
03/04/2014		<b>ADVISORY ENTRY.</b> The entry docket number <u>45</u> Notice of Taking Deposition Upon Oral Examination filed by Laurel J. Mau. Fed. R. Civ. P. 5(d) prescribes the filing --- and non-filing---of discovery material. The nature of this filing may be construed to

		be discovery matter and should not have been filed. For future reference, the filing party may wish to file a Certificate of Service with reference to such discovery matter. The filing will not be stricken. No further action by the filing party is required.. (ecs, ) (Entered: 03/04/2014)
03/12/2014	46	EO: Per Sheri J. Tanaka's request, the Settlement Conference set for 4/9/2014 is CONTINUED to 4/21/2014 at 2:00 PM before Judge BARRY M. KURREN. Confidential Settlement Conference Statements are due 4/14/2014. (Judge BARRY M. KURREN)(kur2) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 03/12/2014)
03/12/2014	<u>47</u>	CERTIFICATE OF SERVICE by Laurel J. Mau ( <i>Notice of Taking Deposition Upon Oral Examination Pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure [Rule 30(b)(6) representative of Defendant Mitsunaga &amp; Associates, Inc.]</i> ) (Osaki, Carl) (Entered: 03/12/2014)
03/19/2014	<u>48</u>	MOTION to Amend/Correct <u>31</u> Scheduling Order, Carl H. Osaki appearing for Counter Defendant Laurel J. Mau, Plaintiff Laurel J. Mau (Attachments: # <u>1</u> Memorandum In Support Of Motoin, # <u>2</u> Affidavit Of Carl H. Osaki, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Certificate of Service)(Osaki, Carl) (Entered: 03/19/2014)
03/20/2014	49	EO: The Court received letter briefs dated 3/12/2014 and 3/18/2014. A Discovery Conference regarding the issues in the letter briefs is set for 4/8/2014 at 1:30PM before Judge Barry M. Kurren. This is the earliest available date to hold this Discovery Conference. (Judge BARRY M. KURREN)(kur2 ) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 03/20/2014)
03/20/2014	50	NOTICE of Hearing on <u>48</u> Plaintiff's Motion to Modify Amended Rule 16 Scheduling Order of June 28, 2013. Motion Hearing set for 4/8/2014 at 1:30 PM before Judge BARRY M. KURREN. Any opposition memorandum is due 3/31/2014; any reply memorandum is due 4/4/2014.(kur2) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry. (Entered: 03/20/2014)
03/20/2014	<u>51</u>	CERTIFICATE OF SERVICE by Laurel J. Mau ( <i>Notice of Taking Deposition Upon Oral Examination: Bert Mitsunaga</i> ) (Osaki, Carl) (Entered: 03/20/2014)
03/24/2014	<u>52</u>	CERTIFICATE OF SERVICE by Laurel J. Mau re <u>51</u> Certificate of Service ( <i>Amended Notice of Taking Deposition Upon Oral Examination: Bert Mitsunaga</i> ) (Osaki, Carl) (Entered: 03/24/2014)
03/24/2014	<u>53</u>	CERTIFICATE OF SERVICE by Laurel J. Mau ( <i>Notice of Taking Deposition Upon Oral Examination: S. Wong</i> ) (Osaki, Carl) (Entered: 03/24/2014)
03/28/2014	54	EO: Due to a conflict with the Court's schedule, the Discovery Conference and the hearing on <u>48</u> Plaintiff's Motion to Modify Amended Rule 16 Scheduling Order of June 28, 2013, which were set for 4/8/2014, are CONTINUED to 4/9/2014 at 11:30AM before Judge Barry M. Kurren. (Judge BARRY M. KURREN)(kur2 ) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 03/28/2014)



03/28/2014	<u>55</u>	CERTIFICATE OF SERVICE by Laurel J. Mau ( <i>Notice of Deposition of 30(b)(6) representative of Defendant Mitsunaga &amp; Associates, Inc., for April 8</i> ) (Osaki, Carl) (Entered: 03/28/2014)
03/28/2014	<u>56</u>	CERTIFICATE OF SERVICE by Laurel J. Mau ( <i>Notice of Deposition of Bert Mitsunaga, for April 15</i> ) (Osaki, Carl) (Entered: 03/28/2014)
03/28/2014	<u>57</u>	CERTIFICATE OF SERVICE by Laurel J. Mau ( <i>Deposition Notice for Bert Mitsunaga, for April 15</i> ) (Osaki, Carl) (Entered: 03/28/2014)
03/28/2014	<u>58</u>	CERTIFICATE OF SERVICE by Laurel J. Mau ( <i>Deposition Notice for Steve Wong, for April 10</i> ) (Osaki, Carl) (Entered: 03/28/2014)
03/31/2014	59	EO: At the request of Defense Counsel, the Hearing on <u>48</u> MOTION to Amend/Correct <u>31</u> Scheduling Order is CONTINUED to 4/16/2014 at 11:30 AM before Judge BARRY M. KURREN. (Judge BARRY M. KURREN)(kur1) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 03/31/2014)
03/31/2014	60	EO: The Discovery Conference set for 4/9/2014 is also MOVED to 4/16/2014 at 11:30AM before Judge Barry M. Kurren. (Judge BARRY M. KURREN)(kur2) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 03/31/2014)
04/03/2014	61	EO: Due to conflict with the Court's schedule, the Hearing on <u>48</u> Plaintiff's Motion to Amend/Correct <u>31</u> Scheduling Order, previously set for 4/16/14 is CONTINUED to 4/17/2014 at 11:00 AM before Judge BARRY M. KURREN. (Judge BARRY M. KURREN)(kur1) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 04/03/2014)
04/07/2014	62	EO: By the request of counsel, the <u>48</u> Plaintiff's Motion to Modify Amended Rule 16 Scheduling Order of June 28, 2013 and Discovery Conference set for 11:00 a.m. IS CONTINUED TO 2:00 p.m. on the same date of 04/17/2014 before Judge BARRY M. KURREN. Counsel Sheri J. Tanaka to notify parties. (Judge BARRY M. KURREN)(bbb) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 04/07/2014)
04/07/2014	<u>63</u>	STIPULATED PROTECTIVE ORDER; Exhibit 'A'. Signed by Judge BARRY M. KURREN on 4/7/2014. (ecs, ) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 04/07/2014)
04/08/2014	<u>64</u>	CERTIFICATE OF SERVICE by Laurel J. Mau ( <i>Subpoena to Testify at a Deposition in a Civil Action; Proof of Service – Steve Wong</i> ) (Attachments: # <u>1</u> Exhibit A)(Osaki, Carl) (Entered: 04/08/2014)
04/09/2014	<u>65</u>	MEMORANDUM in Opposition to <u>48</u> Plaintiff Laurel J. Mau's Motion to Modify "Amended Rule 16 Scheduling Order" of June 28, 2013; Declaration of Sheri J. Tanaka; Exhibits "1" to "23"; Certificate of Service filed by Mitsunaga & Associates,

		Inc.. (Tanaka, Sheri) Link created to motion on 4/11/2014 (ecs, ). (Entered: 04/09/2014)
04/10/2014	66	EO: In accordance with the shortened briefing scheduled originally issued for <u>48</u> Plaintiff's Motion to Modify "Amended Rule 16 Scheduling Order" of June 28, 2013, the Opposition Memorandum was due 4/9/2014 and the Reply Memorandum is due 4/14/2014. (Judge BARRY M. KURREN)(kur2 ) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 04/10/2014)
04/14/2014	<u>67</u>	REPLY re <u>48</u> MOTION to Amend/Correct <u>31</u> Scheduling Order, filed by Laurel J. Mau. (Attachments: # <u>1</u> Affidavit of Carl H. Osaki, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K, # <u>13</u> Exhibit L, # <u>14</u> Exhibit M, # <u>15</u> Exhibit N, # <u>16</u> Certificate of Service)(Osaki, Carl) (Entered: 04/14/2014)
04/18/2014	<u>68</u>	EP: Hearing held on <u>48</u> Plaintiff's Motion to Modify Amended Rule 16 Scheduling Order of June 28, 2013. Plaintiff's Motion is GRANTED. As requested in Plaintiff's <u>48</u> Motion, a Discovery Conference was held. Defendant is ORDERED to produce copies of requested documents previously produced in association with state criminal prosecution. (C8F, 2:05-2:12PM.) (Judge BARRY M. KURREN)(kur1) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 04/18/2014)
04/21/2014	<u>69</u>	EP: Settlement Conference held. No settlement at this time. A Further Settlement Conference is on call. (Chambers no record 2:00-2:45pm.) (Judge BARRY M. KURREN)(kur2 ) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (kur2, ). (Entered: 04/21/2014)
04/25/2014	<u>70</u>	EX PARTE Application to Continue Trial Date and All Pretrial Deadlines; Declaration of Terri Ann Otani; Declaration of Sheri J. Tanaka; Exhibit "A"; Proposed Order; Certificate of Service Sheri J. Tanaka appearing for Defendant Mitsunaga & Associates, Inc. (Tanaka, Sheri) (Entered: 04/25/2014)
04/25/2014	<u>71</u>	OBJECTION re <u>70</u> EX PARTE Application to Continue Trial Date and All Pretrial Deadlines; Declaration of Terri Ann Otani; Declaration of Sheri J. Tanaka; Exhibit "A"; Proposed Order; Certificate of Service filed by Laurel J. Mau. (Attachments: # <u>1</u> Certificate of Service)(Osaki, Carl) (Entered: 04/25/2014)
04/28/2014	72	EO: Defendant/Counter-Claimant's <u>70</u> Ex Parte Application to Continue Trial is DENIED without prejudice. An Ex Parte Motion is not the proper procedural vehicle by which to continue trial. Defendant/Counter-Claimant may refile a Non-Ex Parte Motion seeking the relief requested. (Judge BARRY M. KURREN)(kur1) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 04/28/2014)
04/28/2014	73	EO: By the request of Plaintiff's counsel Carl H. Osaki, a Discovery Conference Hearing is set for 05/06/2014 at 9:30 a.m. before Judge BARRY M. KURREN. Letter briefs are to be submitted no later than Friday May 2, 2014 by noon. Mr. Osaki to notify parties. (Judge BARRY M. KURREN)(bbb) <hr/> CERTIFICATE OF SERVICE

		Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 04/28/2014)
04/29/2014	<u>74</u>	EO: The deadline to submit Final Pretrial Conference Statements is extended to 5/2/2014 at noon. Final Pretrial Conference Statements are now due at the same time as the discovery letter briefs. (Judge BARRY M. KURREN)(kur2 ) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 04/29/2014)
04/29/2014	<u>75</u>	<b>MOTION to Continue Trial Date and All Pretrial Deadlines; Memorandum in Support; Declaration of Terri Ann Otani; Declaration of Sheri J. Tanaka; Exhibit A; Certificate of Service</b> – Sheri J. Tanaka appearing for Defendant Mitsunaga & Associates, Inc., Counter Claimant Mitsunaga & Associates, Inc. (Tanaka, Sheri) Modified title text to include documents which were not filed as separate PDF attachments on 4/30/2014 (ecs, ). Modified on 4/30/2014 (ecs, ). (Entered: 04/29/2014)
04/30/2014		<b>ADVISORY ENTRY</b> re entry docket number <u>75</u> <b>MOTION to Continue Trial Date and All Pretrial Deadlines</b> filed by Mitsunaga & Associates, Inc. The Clerk's Office notes that the "Memorandum in Support of Defendant/Counter-Claimant Mitsunaga & Associates Motion to Continue Trial Date and All Pretrial Deadlines" is missing from the document title caption. Further, the Memorandum, Otani Declaration, Tanaka Declaration, Exhibit A should have been submitted as separate ECF attachments to this Motion. (ecs, ) (Entered: 04/30/2014)
04/30/2014	<u>76</u>	MOTION to Continue Trial Date and All Pretrial Deadlines Sheri J. Tanaka appearing for Defendant Mitsunaga & Associates, Inc., Counter Claimant Mitsunaga & Associates, Inc. (Attachments: # <u>1</u> Memorandum In Support of Motion, # <u>2</u> Declaration of Terri Ann Otani, # <u>3</u> Declaration of Sheri J. Tanaka, # <u>4</u> Exhibit "A", # <u>5</u> Certificate of Service)(Tanaka, Sheri) (Entered: 04/30/2014)
05/02/2014	<u>77</u>	Pretrial Conference Statement by Mitsunaga & Associates, Inc. . (Attachments: # <u>1</u> Certificate of Service)(Tanaka, Sheri) (Entered: 05/02/2014)
05/02/2014	<u>78</u>	Pretrial Conference Statement by Laurel J. Mau . (Attachments: # <u>1</u> Certificate of Service)(Osaki, Carl) (Entered: 05/02/2014)
05/06/2014	<u>79</u>	Return of Service on Subpoena Edgar Kamaka was served on March 31, 2014 (Tanaka, Sheri) (Entered: 05/06/2014)
05/06/2014	<u>80</u>	CERTIFICATE OF SERVICE by Mitsunaga & Associates, Inc. <i>Notice of Subpoena (Edgar Kamaka)</i> (Tanaka, Sheri) (Entered: 05/06/2014)
05/06/2014	<u>81</u>	Return of Service on Subpoena William Wong was served on March 31, 2014 (Tanaka, Sheri) (Entered: 05/06/2014)
05/06/2014	<u>82</u>	CERTIFICATE OF SERVICE by Mitsunaga & Associates, Inc. <i>Notice of Subpoena (Edgar Kamaka)</i> (Tanaka, Sheri) (Entered: 05/06/2014)
05/06/2014	<u>83</u>	Return of Service on Subpoena William Wong was served on April 3, 2014 (Tanaka, Sheri) (Entered: 05/06/2014)
05/06/2014	<u>84</u>	CERTIFICATE OF SERVICE by Mitsunaga & Associates, Inc. <i>Amended Notice of Taking Deposition Upon Oral Examination of William Wong</i> (Tanaka, Sheri) (Entered: 05/06/2014)
05/06/2014	<u>85</u>	Return of Service on Subpoena Edgar Kamaka was served on April 3, 2014 (Tanaka, Sheri) (Entered: 05/06/2014)
05/06/2014	<u>86</u>	CERTIFICATE OF SERVICE by Mitsunaga & Associates, Inc. <i>Second Amended Notice of Taking Deposition Upon Oral Examination of Edgar Kamaka</i> (Tanaka, Sheri) (Entered: 05/06/2014)
05/06/2014	<u>87</u>	EP: Final Pretrial Conference and Discovery Conference held. As to discovery issues, Plaintiff's request for further discovery is DENIED. Additionally, Defendant's pending <u>76</u> Motion to Continue Trial to permit further discovery and the filing of motions is



		DENIED. Both requests are untimely and Defendant has failed to establish good cause for a continuance. As to final pretrial matters, parties were instructed as to their pretrial obligations. (C7, no record 9:30–9:43AM.) (Judge BARRY M. KURREN)(kur1)
		CERTIFICATE OF SERVICE
		Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 05/06/2014)
05/13/2014	88	EO: Final Pretrial Conference set for 6/10/2014 @ 10:15 AM before JUDGE DERRICK K. WATSON. (JUDGE DERRICK K. WATSON)(tyk)
		CERTIFICATE OF SERVICE
		Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 05/13/2014)
05/22/2014	<u>89</u>	Pretrial Conference Statement by Mitsunaga & Associates, Inc. <i>Supplement Regarding Estimate of Trial Time</i> . (Attachments: # <u>1</u> Certificate of Service)(Tanaka, Sheri) (Entered: 05/22/2014)
05/25/2014	<u>90</u>	NOTICE of Appearance by Sheri J. Tanaka on behalf of Mitsunaga & Associates, Inc. on behalf of Mitsunaga & Associates, Inc.. (Attachments: # <u>1</u> Certificate of Service)(Tanaka, Sheri) (Entered: 05/25/2014)
05/27/2014	<u>91</u>	Witness List. filed by Laurel J. Mau. (Attachments: # <u>1</u> Certificate of Service)(Osaki, Carl) (Entered: 05/27/2014)
05/27/2014	<u>92</u>	MOTION in Limine <i>re Taking the Testimony of Thomas Ueno Out of Order, If Necessary</i> Carl H. Osaki appearing for Counter Defendant Laurel J. Mau, Plaintiff Laurel J. Mau (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Affidavit of Carl H. Osaki, # <u>3</u> Exhibit A, # <u>4</u> Certificate of Service)(Osaki, Carl) (Entered: 05/27/2014)
05/27/2014	<u>93</u>	MOTION in Limine <i>No. 1 To Exclude Reference to and Evidence of the AG's March 3, 2014 Investigation Report</i> Sheri J. Tanaka appearing for Defendant Mitsunaga & Associates, Inc., Counter Claimant Mitsunaga & Associates, Inc. (Attachments: # <u>1</u> Memorandum In Support, # <u>2</u> Declaration of Sheri J. Tanaka, # <u>3</u> Exhibit "A", # <u>4</u> Exhibit "B", # <u>5</u> Exhibit "C", # <u>6</u> Certificate of Service)(Tanaka, Sheri) (Entered: 05/27/2014)
05/27/2014	<u>94</u>	Fourth MOTION in Limine <i>To Preclude Plaintiff/Counter-Defendant's Expert Witness Thomas T. Ueno From Testifying At Trial</i> Sheri J. Tanaka appearing for Defendant Mitsunaga & Associates, Inc., Counter Claimant Mitsunaga & Associates, Inc. (Attachments: # <u>1</u> Memorandum In Support, # <u>2</u> Declaration of Sheri J. Tanaka, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Exhibit H, # <u>11</u> Exhibit I, # <u>12</u> Exhibit J, # <u>13</u> Exhibit K, # <u>14</u> Exhibit L, # <u>15</u> Exhibit M, # <u>16</u> Certificate of Service)(Tanaka, Sheri) (Entered: 05/27/2014)
05/27/2014	<u>95</u>	Second MOTION in Limine <i>To Exclude Reference To Alleged Sexual Harassment of Laurel J. Mau In Or Before 2004</i> Sheri J. Tanaka appearing for Defendant Mitsunaga & Associates, Inc., Counter Claimant Mitsunaga & Associates, Inc. (Attachments: # <u>1</u> Memorandum In Support, # <u>2</u> Declaration of Sheri J. Tanaka, # <u>3</u> Exhibit A, # <u>4</u> Certificate of Service)(Tanaka, Sheri) (Entered: 05/27/2014)
05/27/2014	<u>96</u>	Witness List. filed by Mitsunaga & Associates, Inc.. (Attachments: # <u>1</u> Certificate of Service)(Tanaka, Sheri) (Entered: 05/27/2014)
05/29/2014	97	NOTICE of Hearing on <u>92</u> Plaintiff's Motion In Limine No. 1: Plaintiff's Motion In Limine To Take The Testimony Of Thomas Ueno Out of Order, If Necessary; <u>93</u> Defendant/Counter-Claimant Mitsunaga & Associates, Inc.'s Motion In Limine No. 1 To Exclude Reference To And Evidence Of The AG's 3/3/14 Investigation Report Re: UH Hilo Village Student Housing Project; <u>95</u> Defendant/Counter-Claimant Mitsunaga & Associates, Inc.'s Motion In Limine No. 2 To Exclude Reference To Alleged Sexual Harassment of Laurel J. Mau In Or Before 2004; and <u>94</u> Defendant/Counter-Claimant Mitsunaga & Associates, Inc.'s Motion In Limine No. 4 To Preclude Plaintiff/Counter-Defendant's Expert Witness Thomas T. Ueno From Testifying At

		<p>Trial set for 6/10/2014 @ 10:15 AM before JUDGE DERRICK K. WATSON. (tyk)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry. (Entered: 05/29/2014)</p>
06/02/2014	<u>98</u>	<p>EO: Letter from Tammy Kimura, Courtroom Manager Regarding Real Trial Court Reporting Procedures: (Attachments: # <u>1</u> DKW's Trial Procedure, # <u>2</u> Juror Information Cards, # <u>3</u> Order Adopting Electronic Device, and # <u>4</u> DKW's Electronic Device In Courtroom) (JUDGE DERRICK K. WATSON)(tyk)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 06/02/2014)</p>
06/03/2014	<u>99</u>	<p>Proposed Voir Dire. filed by Mitsunaga &amp; Associates, Inc.. (Attachments: # <u>1</u> Certificate of Service)(Tanaka, Sheri) (Entered: 06/03/2014)</p>
06/03/2014	<u>100</u>	<p>Designation of Transcripts –<i>Objection to Plaintiff/Counter–Defendant Laurel Mau's Use of Deposition Testimony in Lieu of Live Testimony</i> . filed by Mitsunaga &amp; Associates, Inc.. (Attachments: # <u>1</u> Certificate of Service)(Tanaka, Sheri) Modified on 6/4/2014 (ecs, ). Modified on 6/4/2014 (ecs, ). (Entered: 06/03/2014)</p>
06/03/2014	<u>101</u>	<p>CONCISE STATEMENT of Facts <i>Proposed</i> filed by Mitsunaga &amp; Associates, Inc.. (Attachments: # <u>1</u> Certificate of Service)(Tanaka, Sheri) (Entered: 06/03/2014)</p>
06/03/2014	<u>102</u>	<p>MEMORANDUM in Opposition to <i>Plaintiff/Counter–Defendant Laurel Mau's "Motion In Limine To Take The Testimony of Thomas Ueno Out Of Order"</i> filed by Mitsunaga &amp; Associates, Inc.. (Attachments: # <u>1</u> Declaration of Sheri J. Tanaka, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Certificate of Service)(Tanaka, Sheri) Modified on 6/4/2014 (ecs, ). (Entered: 06/03/2014)</p>
06/03/2014	<u>103</u>	<p><del>EXHIBIT</del> <i>Defendant/Counter–Claimant Mitsunaga &amp; Associates, Inc.'s Objections To Admissibility Of Plaintiff/Counter–Defendant Laurel Mau's Proposed Exhibits</i> filed by Mitsunaga &amp; Associates, Inc.. (Attachments: # <u>1</u> Declaration of Sheri J. Tanaka, # <u>2</u> Exhibit A, # <u>3</u> Certificate of Service)(Tanaka, Sheri) Modified on 6/4/2014 (ecs, ). Modified on 6/4/2014 (ecs, ). (Entered: 06/03/2014)</p>
06/03/2014	<u>104</u>	<p>MEMORANDUM in Opposition re <u>93</u> MOTION in Limine <i>No. 1 To Exclude Reference to and Evidence of the AG's March 3, 2014 Investigation Report</i> filed by Laurel J. Mau. (Attachments: # <u>1</u> Certificate of Service)(Osaki, Carl) (Entered: 06/03/2014)</p>
06/03/2014	<u>105</u>	<p>MEMORANDUM in Opposition re <u>94</u> Fourth MOTION in Limine <i>To Preclude Plaintiff/Counter–Defendant's Expert Witness Thomas T. Ueno From Testifying At Trial</i> filed by Laurel J. Mau. (Attachments: # <u>1</u> Affidavit of Carl H. Osaki, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K, # <u>13</u> Exhibit L, # <u>14</u> Exhibit M, # <u>15</u> Exhibit N, # <u>16</u> Exhibit O, # <u>17</u> Exhibit P, # <u>18</u> Exhibit Q, # <u>19</u> Certificate of Service)(Osaki, Carl) (Entered: 06/03/2014)</p>
06/03/2014	<u>106</u>	<p>Proposed Voir Dire. filed by Laurel J. Mau. (Attachments: # <u>1</u> Certificate of Service)(Osaki, Carl) (Entered: 06/03/2014)</p>
06/03/2014	<u>107</u>	<p>MEMORANDUM in Opposition re <u>95</u> Second MOTION in Limine <i>To Exclude Reference To Alleged Sexual Harassment of Laurel J. Mau In Or Before 2004</i> filed by Laurel J. Mau. (Attachments: # <u>1</u> Affidavit Carl H. Osaki, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Certificate of Service)(Osaki, Carl) (Entered: 06/03/2014)</p>
06/03/2014	<u>108</u>	<p><del>EXHIBIT</del> <i>Plaintiff Laurel J. Mau's Statement Re Objections To Proposed Exhibits By Defendant.</i> filed by Laurel J. Mau. (Attachments: # <u>1</u> Certificate of Service)(Osaki, Carl) Modified on 6/4/2014 (ecs, ). (Entered: 06/03/2014)</p>

06/03/2014	<u>109</u>	Special Verdict Form.. (Attachments: # <u>1</u> Certificate of Service)(Osaki, Carl) (Entered: 06/03/2014)
06/03/2014	<u>110</u>	STATEMENT ( <i>Proposed</i> ) of the Case filed by Laurel J. Mau. (Attachments: # <u>1</u> Certificate of Service)(Osaki, Carl) (Entered: 06/03/2014)
06/03/2014	<u>111</u>	Proposed Jury Instructions. filed by Laurel J. Mau. (Attachments: # <u>1</u> Proposed Jury Instructions, # <u>2</u> Certificate of Service)(Osaki, Carl) (Entered: 06/03/2014)
06/03/2014	<u>112</u>	Special Verdict Form.. (Attachments: # <u>1</u> Certificate of Service)(Tanaka, Sheri) (Entered: 06/03/2014)
06/03/2014	<u>113</u>	Proposed Jury Instructions. filed by Mitsunaga & Associates, Inc.. (Attachments: # <u>1</u> Certificate of Service)(Tanaka, Sheri) (Entered: 06/03/2014)
06/03/2014	<u>114</u>	TRIAL BRIEF . filed by Mitsunaga & Associates, Inc.. (Attachments: # <u>1</u> Certificate of Service)(Tanaka, Sheri) (Entered: 06/03/2014)
06/10/2014	<u>115</u>	<p>EP: Hearing held on: Motions in Limine – <u>92</u> Plaintiff's Motion In Limine No. 1: Plaintiff's Motion In Limine To Take The Testimony Of Thomas Ueno Out of Order, If Necessary; and <u>94</u> Defendant/Counter–Claimant Mitsunaga &amp; Associates, Inc.'s Motion In Limine No. 4 To Preclude Plaintiff/Counter–Defendant's Expert Witness Thomas T. Ueno From Testifying At Trial – DENIED as Moot. Mr. Ueno is ordered to sit for deposition on June 19, 2014 at 10:00 a.m.</p> <p><u>93</u> Defendant/Counter–Claimant Mitsunaga &amp; Associates, Inc.'s Motion In Limine No. 1 To Exclude Reference To And Evidence Of The AG's 3/3/14 Investigation Report Re: UH Hilo Village Student Housing Project – GRANTED.</p> <p><u>95</u> Defendant/Counter–Claimant Mitsunaga &amp; Associates, Inc.'s Motion In Limine No. 2 To Exclude Reference To Alleged Sexual Harassment of Laurel J. Mau In Or Before 2004 – DENIED.</p> <p>Final Pretrial Conference held.</p> <p>Jury Selection/Jury Trial is continued from June 16, 2014 to July 14, 2014 before Judge Derrick K. Watson. Jury selection will commence at 9:00 a.m.</p> <p>Length of trial: 2 weeks. Plaintiff – 4 days for evidence; Defendant – 4 days for evidence.</p> <p>Day 1 of Trial: complete jury selection and opening statements.</p> <p>Opening Statements: Plaintiff – 30 minutes; Defendant – 30 minutes.</p> <p>Jury: Peremptory challenges – 3 each. 2 Alternates. 8 plus 6 seated for proposed panel for voir dire.</p> <p>Revised Witness List due: July 7, 2014.</p> <p>Statement of the Case – Parties to confer to reach an agreement to submit a revised statement.</p> <p>Parties have agreed to submit a single joint special verdict form and jury instructions by July 7, 2014.</p> <p>With regard to the Plaintiff's deposition, Court denies the continuation of Plaintiff's deposition.</p> <p>Plaintiff agreed to produce documents pertaining to William Wong and Edgar Kamaka to Defendant within a week.</p> <p>Closing Arguments: Plaintiff – 45 minutes; Defendant – 45 minutes.</p> <p>Plaintiff agreed to dismiss the ADEA claim with regards to no age discrimination which will be submitted in writing.</p>

		<p>(Court Reporter Gloria Bediamol) (JUDGE DERRICK K. WATSON)(tyk)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 06/10/2014)</p>
06/12/2014	<u>116</u>	<p>STATUS REPORT <i>Re: ADEA Claim and Arbitration Hearing</i> by Laurel J. Mau. (Attachments: # <u>1</u> Certificate of Service)(Osaki, Carl) (Entered: 06/12/2014)</p>
06/13/2014	117	<p>EO: COURT ORDER DISMISSING ADEA CLAIM – Plaintiff’s Count I claim alleging violations of the Age Discrimination in Employment Act of 1967 ("ADEA") is hereby DISMISSED pursuant to Plaintiff’s representations at the June 10, 2014 Final Pretrial Conference and Plaintiff’s Status Report filed June 12, 2014 (Dkt. No. 116). This dismissal does not affect Plaintiff’s Count I claim to the extent it alleges sex discrimination pursuant to Title VII of the Civil Rights Act of 1964.</p> <p>Plaintiff’s Count II alleges sex and age discrimination in violation of Hawaii Revised Statutes Chapter 378. However, Plaintiff’s Status Report filed June 12, 2014 is silent with respect to whether she also intends to dismiss her state law-based age discrimination claim, together with her ADEA claim. Accordingly, Plaintiff is ordered to inform the Court in writing by Wednesday, June 18, 2014 whether she also intends to dismiss her state law age discrimination claim set forth in Count II.</p> <p>IT IS SO ORDERED. (JUDGE DERRICK K. WATSON)(tyk)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 06/13/2014)</p>
06/18/2014	<u>118</u>	<p>STATUS REPORT <i>Re: State Law Age Discrimination Claim</i> by Laurel J. Mau. (Attachments: # <u>1</u> Certificate of Service)(Osaki, Carl) (Entered: 06/18/2014)</p>
06/19/2014	119	<p>EO: COURT ORDER DISMISSING STATE AGE DISCRIMINATION</p> <p>Plaintiff’s Count II claim alleging age discrimination under state law is hereby DISMISSED pursuant to Plaintiff’s Supplemental Status Report filed June 18, 2014 (Dkt. No. 118). This dismissal does not affect Plaintiff’s Count II sex discrimination claim.</p> <p>IT IS SO ORDERED. (JUDGE DERRICK K. WATSON)(tyk)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 06/19/2014)</p>
06/27/2014	<u>120</u>	<p>EO: Letter from Tammy Kimura, Courtroom Manager Regarding Real Trial Court Reporting Procedures: (Attachments: # <u>1</u> DKW's Trial Procedure, # <u>2</u> Juror Information Cards, # <u>3</u> Order Adopting Electronic Device, and # <u>4</u> DKW's Electronic Device In Courtroom.) (JUDGE DERRICK K. WATSON)(tyk)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 06/27/2014)</p>
07/04/2014	<u>121</u>	<p>Fifth MOTION in <i>Limine To Exclude Opinion Testimony of Thomas Ueno And For Relief From Fees Charged By Thomas Ueno</i> Sheri J. Tanaka appearing for Defendant Mitsunaga &amp; Associates, Inc., Counter Claimant Mitsunaga &amp; Associates, Inc. (Attachments: # <u>1</u> Memorandum In Support of Motion, # <u>2</u> Declaration of Sheri J. Tanaka, # <u>3</u> Exhibit "A", # <u>4</u> Exhibit "B", # <u>5</u> Exhibit "C", # <u>6</u> Exhibit "D", # <u>7</u> Certificate of Service)(Tanaka, Sheri) (Entered: 07/04/2014)</p>



07/07/2014	<u>122</u>	NOTICE of Hearing on <u>121</u> Defendant/Counter-Claimant Mitsunaga & Associates, Inc.'s Motion In Limine To Exclude Opinion Testimony of Thomas Ueno and For Relief From Fees Charged By Thomas Ueno set for 7/14/2014 @ 01:30 PM or after the jury is excused before JUDGE DERRICK K. WATSON. (tyk)  CERTIFICATE OF SERVICE  Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry. (Entered: 07/07/2014)
07/07/2014	<u>123</u>	<b>Plaintiff's Revised</b> Witness List filed by Laurel J. Mau. (Attachments: # <u>1</u> Certificate of Service)(Osaki, Carl) Modified docket title text on 7/8/2014 (ecs, ). (Entered: 07/07/2014)
07/07/2014	<u>124</u>	Exhibit List . filed by Mitsunaga & Associates, Inc..(Tanaka, Sheri) (Entered: 07/07/2014)
07/07/2014	<u>125</u>	Amended Trial Witness List. filed by Mitsunaga & Associates, Inc.. (Attachments: # <u>1</u> Certificate of Service)(Tanaka, Sheri) Modified docket title text on 7/8/2014 (ecs, ). (Entered: 07/07/2014)
07/08/2014	<u>126</u>	STATEMENT ( <i>Revised</i> ) <i>Proposed Introductory Statement of the Case</i> filed by Laurel J. Mau. (Attachments: # <u>1</u> Certificate of Service)(Osaki, Carl) Docket title text inserted on 7/9/2014 (ecs, ). (Entered: 07/08/2014)
07/09/2014	<u>127</u>	Exhibit List . filed by Laurel J. Mau.(Osaki, Carl) (Entered: 07/09/2014)
07/10/2014	<u>128</u>	Sixth MOTION in Limine <i>To Exclude Reference To And Evidence Of The Department Of The Prosecuting Attorney For The City And County Of Honolulu's Ongoing 21-Month Investigation Of Laurel Mau</i> Sheri J. Tanaka appearing for Defendant Mitsunaga & Associates, Inc., Counter Claimant Mitsunaga & Associates, Inc. (Attachments: # <u>1</u> Memorandum In Support of Motion, # <u>2</u> Declaration of Sheri J. Tanaka, # <u>3</u> Exhibit "A", # <u>4</u> Exhibit "B", # <u>5</u> Exhibit "C", # <u>6</u> Certificate of Service)(Tanaka, Sheri) (Entered: 07/10/2014)
07/11/2014	129	EO: ORDER DENYING DeFENDANT's SIXTH MOTION IN LIMINE (DKT. NO 128) – On July 10, 2014, two business days prior to the start of trial, Defendant Mitsunaga & Associates, Inc. ("MAI") filed, without seeking leave of court, a Sixth Motion In Limine to preclude reference to, and evidence of, the Prosecuting Attorney for the City and County of Honolulu's ongoing 21-month investigation of Plaintiff regarding her conduct while employed at MAI.  The motion is untimely. As required by the Amended Rule 16 Scheduling Order (Dkt. No. 31), motions in limine were due on May 27, 2014 before the Final Pretrial Conference that was held on June 10, 2014. MAI was clearly aware of that deadline, given that it filed three other motions in limine on that date. Moreover, unlike MAI's Fifth Motion in Limine to exclude opinion testimony of Thomas Ueno, which was filed on July 4, 2014 and which will be heard on July 14, 2014, the instant motion does not involve or relate to any newly discovered information that was not previously available. Notably, Plaintiffs original witness list, filed May 27, 2014, referenced the same testimony regarding the prosecutor's investigation, as does Plaintiff's revised witness list, filed on July 7, 2014. Accordingly, MAI's untimely motion is DENIED without prejudice to MAI renewing its objections at the time of trial, should circumstances warrant.  IT IS SO ORDERED. (JUDGE DERRICK K. WATSON)(tyk)  CERTIFICATE OF SERVICE  Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 07/11/2014)
07/11/2014	<u>130</u>	MEMORANDUM in Opposition re <u>121</u> Fifth MOTION in Limine <i>To Exclude Opinion Testimony of Thomas Ueno And For Relief From Fees Charged By Thomas Ueno</i> filed by Laurel J. Mau. (Attachments: # <u>1</u> Declaration of Carl H. Osaki, # <u>2</u> Exhibit A, # <u>3</u> Certificate of Service)(Osaki, Carl) (Entered: 07/11/2014)

07/11/2014	<u>131</u>	Second MOTION in Limine by Plaintiff to Bar Use of Deposition Transcript of Plaintiff, taken July 9, 2014 Carl H. Osaki appearing for Counter Defendant Laurel J. Mau, Plaintiff Laurel J. Mau (Attachments: # <u>1</u> Memorandum in Support of Motion, # <u>2</u> Declaration of Carl H. Osaki, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Certificate of Service)(Osaki, Carl) (Entered: 07/11/2014)
07/11/2014	132	NOTICE of Hearing on <u>131</u> Plaintiff's Motion In Limine No. 2: Plaintiff Laurel J. Mau's Motion In Limine To Bar Use Of The Deposition Transcript of Laurel Mau, Taken 7/9/2014 set for 7/14/2014 @ 01:30 PM or after the jury is excused before JUDGE DERRICK K. WATSON. (tyk) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry. (Entered: 07/11/2014)
07/14/2014	<u>133</u>	TRIAL BRIEF <i>Supplemental</i> . filed by Mitsunaga & Associates, Inc.. (Attachments: # <u>1</u> Certificate of Service)(Tanaka, Sheri) (Entered: 07/14/2014)
07/14/2014	<u>134</u>	<b>REVISED CONCISE STATEMENT OF THE CASE of Facts Revised</b> filed by Mitsunaga & Associates, Inc.. (Attachments: # <u>1</u> Certificate of Service)(Tanaka, Sheri) Modified docket text (title) on 7/14/2014 (ecs, ). (Entered: 07/14/2014)
07/14/2014	<u>135</u>	MEMORANDUM in Opposition To Laurel Mau's <u>131</u> Motion In Limine To Bar Use Of The Deposition Transcript of Laurel Mau filed by Mitsunaga & Associates, Inc.. (Attachments: # <u>1</u> Certificate of Service)(Tanaka, Sheri) Linked to Motion on 7/14/2014 (ecs, ). (Entered: 07/14/2014)
07/14/2014	<u>136</u>	EP: Jury Selection. Plaintiff Laurel J. Mau present. Terri Ann Otani, representative of Mitsunaga & Associates, Inc. present. 60 prospective jurors, preliminarily instructed and sworn. Voir dire conducted by the Court and Counsel. 8 jurors chosen and sworn. All other prospective jurors thanked and excused. Further Jury Trial set for 7/15/2014 at 8:30 a.m. before Judge Derrick K. Watson. (Court Reporter Gloria Bediamol) (JUDGE DERRICK K. WATSON)(tyk, ) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 07/14/2014)
07/14/2014	<u>137</u>	EP: Hearing held on <u>131</u> Plaintiff's Motion In Limine No. 2: Plaintiff Laurel J. Mau's Motion In Limine To Bar Use Of The Deposition Transcript of Laurel Mau Taken July 9, 2014; and <u>121</u> Defendant/Counter-Claimant Mitsunaga & Associates, Inc.'s Motion In Limine To Exclude Opinion Testimony Of Thomas Ueno and For Relief From Fees Charged By Thomas Ueno.  Arguments heard.  <u>131</u> Plaintiff's Motion In Limine No. 2: Plaintiff Laurel J. Mau's Motion In Limine To Bar Use Of The Deposition Transcript of Laurel Mau Taken July 9, 2014 – DENIED.  <u>121</u> Defendant/Counter-Claimant Mitsunaga & Associates, Inc.'s Motion In Limine To Exclude Opinion Testimony Of Thomas Ueno and For Relief From Fees Charged By Thomas Ueno – DENIED.  Court admonishes counsel for not submitting joint jury instructions and special verdict form by 7/7/2014. Parties are instructed to submit joint jury instructions and special verdict form by close of business on Friday, 7/18/2014.  Discussion on Defendant/Counter-Claimant Mitsunaga & Associates, Inc.'s <u>128</u> Motion In Limine No. 6 previously denied without prejudice – No changes to Court's earlier ruling. (Court Reporter Gloria Bediamol) (JUDGE DERRICK K. WATSON)(tyk) <hr/> CERTIFICATE OF SERVICE

		Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 07/14/2014)
07/15/2014	<u>138</u>	<b>MOTION</b> "Pocket Brief" Memorandum Regarding Laurel Mau's Retaliation Claim and Prosecutor's Investigation of Laurel Mau ; <i>Exhibit "A"</i> ; <i>Certificate of Service</i> Sheri J. Tanaka appearing for Defendant Mitsunaga & Associates, Inc., Counter Claimant Mitsunaga & Associates, Inc. (Tanaka, Sheri) Erroneous motion terminated and docket text modified on 7/16/2014 (ecs, ). (Entered: 07/15/2014)
07/15/2014	<u>139</u>	<p>EP: Further Jury Trial [2nd Day]. Plaintiff Laurel J. Mau present. Terri Ann Otani, representative of Mitsunaga &amp; Associates, Inc. present. 8 jurors present. Opening Statements made by Plaintiff and Defendant. Plaintiff's Witness: Laurel J. Mau, direct and cross examination. Exhibits Admitted: 2, 3, 4 as to the 1st 9 pages only (not the attachments), 5 &amp; 6.</p> <p>Out of the presence of the jury [12:10 – 12:25], Court addressed Defendant's objections to the attachments to Plaintiff's Exhibit No. 4. Plaintiff to revise Exhibit No. 4 as instructed by the Court and substitute it as Plaintiff's Exhibit No. 26 by 7/16/2014. Upon submission of Plaintiff's Exhibit No. 26, the Court will admit it in its entirety and Plaintiff's Exhibit No. 4 will be stricken.</p> <p>Further Jury Trial set for 7/16/2014 at 8:30 a.m. before Judge Derrick K. Watson. (Court Reporter Gloria Bediamol) (JUDGE DERRICK K. WATSON)(tyk)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 07/15/2014)</p>
07/16/2014		<b>ADVISORY ENTRY</b> re entry docket number <u>138</u> MOTION "Pocket Brief" Memorandum Regarding Laurel Mau's Retaliation Claim and Prosecutor's Investigation of Laurel Mau ; <i>Exhibit "A"</i> ; <i>Certificate of Service</i> filed by Mitsunaga & Associates, Inc. – has been filed incorrectly in this case. As this entry does not appear to be a "Motion" – the motion has been terminated. "Trial Brief" located under Civil Events Other Filings Trial Documents may have been a better fitting event. In addition, Exhibit A should have been attached as a separate PDF. (ecs, ) (Entered: 07/16/2014)
07/16/2014	<u>140</u>	<p>EP: Further Jury Trial [3rd Day]. Plaintiff Laurel J. Mau present. Terri Ann Otani, representative of Mitsunaga &amp; Associates, Inc. present. 8 jurors present.</p> <p>[8:30 – 8:39] Out of the presence of the jury, Court admits into evidence Plaintiff's Exhibit No. 26 which replaces Plaintiff's Exhibit No. 4 previously admitted into evidence on 7/15/2014 over objections of Defendant.</p> <p>Cross Examination of Plaintiff's Witness Laurel J. Mau resumed.</p> <p>Further Jury Trial set for 7/17/2014 at 8:30 a.m. before Judge Derrick K. Watson. (Court Reporter Gloria Bediamol) (JUDGE DERRICK K. WATSON)(tyk)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 07/16/2014)</p>
07/17/2014	<u>141</u>	<p>EP: Further Jury Trial [Day 4]. Plaintiff Laurel J. Mau present. Terri Ann Otani, representative of Mitsunaga &amp; Associates, Inc. present. 8 jurors present.</p> <p>Court instructs the jurors and counsel of the following revised trial schedule:</p> <p>Friday, 7/18/2014 – 8:30 a.m. to 4:30 p.m., with lunch break.  Monday, 7/21/2014 – 8:30 a.m. to 4:30 p.m., with lunch break.  Tuesday, 7/22/2014 – 8:30 a.m. to 4:30 p.m., with lunch break.  Wednesday, 7/23/2014 – 8:30 a.m. to 1:30 p.m.  Thursday, 7/24/2014 – 8:30 a.m. to 1:30 p.m.</p>



		<p>Friday, 7/25/2014 – 8:30 a.m. to 1:30 p.m.</p> <p>Cross Examination of Plaintiff's Witness Laurel J. Mau resumed.</p> <p>Exhibits Admitted: G, JJJ, ZZ only as to pages 1 &amp; 3, AAA only as to pages 144, 145 &amp; 154 and AA only as to page 1.</p> <p>Plaintiff's Witness: Terri Ann Otani, direct examination.</p> <p>Further Jury Trial set for 7/18/2014 at 8:30 a.m. before Judge Derrick K. Watson. (Court Reporter Gloria Bediamol) (JUDGE DERRICK K. WATSON)(tyk)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 07/17/2014)</p>
07/18/2014	<u>142</u>	<p>EP: Status Conference held with counsel only. Proposed Joint Jury Instructions and Special Verdict Form to be submitted via cm/ecf on or before midnight on 7/18/2014.</p> <p>Further Jury Trial [Day 5]. Plaintiff Laurel J. Mau present. Terri Ann Otani, representative of Mitsunaga &amp; Associates, Inc. present. 8 jurors present.</p> <p>Direct Examination of Plaintiff's Witness Terri Ann Otani resumed; cross examination &amp; redirect examination. Exhibits Admitted: 14 (Plaintiff to redact #4 of MAI's Response to 1st Request for Answer to Interrogatories and substitute it as Plaintiff's Exhibit No. 27. Upon submission of Plaintiff's Exhibit No. 27, the Court will admit it into evidence and Plaintiff's Exhibit No. 14 will be stricken.) Exhibit 15 Admitted over the objection by Defendant.</p> <p>Out of the presence of the jurors, Court placed on the record objections by Defendant as to Exhibits 14 and 15.</p> <p>Plaintiff's Witness: Keith Kalani, direct examination, cross examination &amp; redirect.</p> <p>Plaintiff's Expert Witness: Thomas Ueno, direct examination, cross examination &amp; redirect. Exhibits Admitted: 12, 13.</p> <p>Plaintiff's Witness: Gary Nakatsuka, direct examination, cross examination &amp; redirect.</p> <p>Further Jury Trial set for 7/21/2014 at 8:30 a.m. before Judge Derrick K. Watson. (Court Reporter Gloria Bediamol) (JUDGE DERRICK K. WATSON)(tyk)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 07/18/2014)</p>
07/18/2014	<u>143</u>	Special Verdict Form..(Osaki, Carl) (Entered: 07/18/2014)
07/18/2014	<u>144</u>	Proposed Jury Instructions. filed by Laurel J. Mau.(Osaki, Carl) (Entered: 07/18/2014)
07/18/2014	<u>145</u>	Special Verdict Form.. (Attachments: # <u>1</u> Certificate of Service)(Tanaka, Sheri) (Entered: 07/18/2014)
07/18/2014	<u>146</u>	Proposed Jury Instructions. filed by Mitsunaga & Associates, Inc.. (Attachments: # <u>1</u> Certificate of Service)(Tanaka, Sheri) (Entered: 07/18/2014)
07/20/2014	<u>147</u>	TRIAL BRIEF ( <i>Plaintiff's Memorandum Re Absent Witnesses: Chris Ball, Ken Santana And Steven Wong</i> ). filed by Laurel J. Mau. (Attachments: # <u>1</u> Affidavit of Carl H. Osaki, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Certificate of Service)(Osaki, Carl) (Entered: 07/20/2014)
07/21/2014	<u>148</u>	EP: [8:30 to 9:00] Status Conference held with counsel without presence of the jurors re joint jury instructions and special verdict form.

		<p>Court addressed <u>147</u> Plaintiff's Memorandum Re Absent Witnesses: Chris Ball, Ken Santana and Steve Wong. Oral arguments heard. Court orders Defendant to produce Ken Santana and Steve Wong to appear in Court to testify at trial this week. Court takes under advisement the issue of evidentiary sanctions and the availability of Chris Ball.</p> <p>Upon submission of Plaintiff's Exhibit No. 27 (as redacted), the Court admits it into evidence and Plaintiff's Exhibit No. 14 is stricken.</p> <p>Plaintiff Laurel J. Mau present. Terri Ann Otani, representative of Mitsunaga &amp; Associates, Inc. present. 8 jurors present.</p> <p>Plaintiff's Witness: Aaron Fujii, direct examination, cross examination and redirect. Exhibits Admitted: H (only as to pages 37, 41, 71, 92 &amp; 93).</p> <p>[10:30 – 10:40] Out of the presence of the jurors, Defendant confirmed witnesses Ken Santana and Steve Wong will be present to testify at trial. As for Chris Ball, Defendant will keep the Court apprised as to the status of his availability to testify either in person, video conferencing or by telephone.</p> <p>[12:30–12:31] Jurors not present. Court cautioned counsel as to the length of time when questioning witnesses.</p> <p>Plaintiff's Witnesses: Chad McDonald, Lynne Taguchi &amp; Ken Santana, direct examination, cross examination and redirect.</p> <p>Further Jury Trial set for 7/22/2014 at 8:30 a.m. before Judge Derrick K. Watson. (Court Reporter Gloria Bediamol) (JUDGE DERRICK K. WATSON)(tyk)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 07/21/2014)</p>
07/22/2014	<u>149</u>	<p>EO: COURT'S PROPOSED SPECIAL VERDICT FORM</p> <p>Attached is the Court's Proposed Special Verdict Form, provided to the parties in advance, for the purpose of discussion between the Court and counsel. (JUDGE DERRICK K. WATSON)(tyk)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 07/22/2014)</p>
07/22/2014	<u>150</u>	<p>EO: COURT'S AMENDED PROPOSED SPECIAL VERDICT FORM – Attached is the Court's Amended Proposed Special Verdict Form which supersedes Dkt. No. 149. (JUDGE DERRICK K. WATSON)(tyk)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 07/22/2014)</p>
07/22/2014	<u>151</u>	<p>EO: Court's Proposed Jury Instructions – Attached is the Court's Proposed Jury Instructions. (JUDGE DERRICK K. WATSON)(tyk)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 07/22/2014)</p>
07/22/2014	<u>152</u>	<p>EP: Further Jury Trial [Day 7]. Plaintiff Laurel J. Mau present. Terri Ann Otani, representative of Mitsunaga &amp; Associates, Inc. present. 8 jurors present.</p>

		<p>Plaintiff's Witnesses: Steve Wong and Chris Ball (via Skype), direct examination, cross examination and redirect. Exhibit Admitted: 7 (only as to page 6).</p> <p>[9:56 – 11:10] Hearing held on Defendant's 50(a) Motion for Judgment as a Matter of Law. Arguments heard. Motion is GRANTED In Part as to Negligent Infliction of Emotional Distress ("NIED") and Intentional Infliction of Emotional Distress ("IIED") and DENIED In Part with regard to the Disparate Treatment and Retaliation claims, both under Federal and State Law. Judgment is entered and will be entered for the Defendant as to Plaintiff's Count IV ("NIED") and Count V ("IIED") claims. Jurors not present.</p> <p>Conference re Court's Special Verdict Form held without the presence of the jurors. Parties are reminded about the time frame to get this case to the jurors in a timely manner.</p> <p>PLAINTIFF RESTED.</p> <p>Defendant's Witnesses: Hisako Uriu, Kyle Nishioka, Dean Yoshikawa and Rudy Alivado, direct examination, cross examination and redirect.</p> <p>[1:57 – 2:15 pm] Out of the presence of the jurors, Conference Re–Settling of the Amended Special Verdict Form and Proposed Jury Instructions.</p> <p>Further Jury Trial set for 7/23/2014 at 8:30 a.m. before Judge Derrick K. Watson. (Court Reporter Gloria Bediamol) (JUDGE DERRICK K. WATSON)(tyk)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e–mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 07/22/2014)</p>
07/23/2014	<u>153</u>	<p>EP: Further Jury Trial [Day 8] – Plaintiff Laurel J. Mau present. Terri Ann Otani, representative of Mitsunaga &amp; Associates, Inc. present. 8 jurors present.</p> <p>Defendant's Witness: Chad McDonald, direct examination, cross examination and redirect. Exhibits Admitted: B, L. DEFENDANT RESTED.</p> <p>[10:05–11:00] Out of the presence of the jurors, Court GRANTS Defendant's oral Motion To Dismiss Second Counterclaim (Intentional or Tortious Interference With Prospective Business or Economic Advantage) and Fourth Counterclaim (Conversion). Hearing held on Plaintiff's Rule 50 Motion for Judgment as a Matter of Law. Arguments heard. Motion is DENIED.</p> <p>[11:00– 1:50] Conference Re–Settling of the Special Verdict Form and Jury Instruction.</p> <p>Further Jury Trial set for 7/24/2014 at 8:15 a.m. before Judge Derrick K. Watson. (Court Reporter Gloria Bediamol) (JUDGE DERRICK K. WATSON)(tyk)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e–mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 07/23/2014)</p>
07/23/2014	<u>154</u>	<p>EO: Attached is the Court's Final Jury Instructions. (JUDGE DERRICK K. WATSON)(tyk)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e–mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 07/23/2014)</p>

07/23/2014	<u>155</u>	EO: Attached is the Court's Final Special Verdict Form. (JUDGE DERRICK K. WATSON)(tyk) <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 07/23/2014)
07/24/2014	<u>156</u>	EO: Final Jury Instructions. (JUDGE DERRICK K. WATSON)(tyk) <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 07/24/2014)
07/24/2014	<u>157</u>	Note from the Jury # 1.(ecs, ) (Entered: 07/24/2014)
07/24/2014	<u>159</u>	EO: COURT'S RESPONSE NO. 1 re <u>157</u> Jury Note. (JUDGE DERRICK K. WATSON)(tyk) <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 07/24/2014)
07/24/2014	<u>160</u>	EP: Further Jury Trial [Day 9]. Plaintiff Laurel J. Mau present. Terri Ann Otani, representative of Mitsunaga & Associates, Inc. present. 8 jurors present.  [8:25–9:10] Conference Re–Settling of the Special Verdict Form and Jury Instructions. Jurors not present.  [9:20–10:00] Court instructs the Jurors. Closing arguments made by Plaintiff and Defendant. Bailiff sworn. Jury retired to deliberate.  Note from the Jury No. 1 received by the Court.  [3:20–3:30; 4:20–4:25] Status Conference re: Note from the Jury No. 1 and the Court's Proposed Response held with counsel only via phone.  [4:27] Court's Response No. 1 transmitted to the jury. Jury dismissed for the day.  Further Jury Deliberation set for 7/25/2014 at 8:30 a.m. before Judge Derrick K. Watson. (Court Reporter Gloria Bediamol) (JUDGE DERRICK K. WATSON)(tyk, ) <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 07/24/2014)
07/25/2014	<u>161</u>	(TRIAL) Plaintiff's REVISED Witness List; Certificate of Service – filed by Laurel J. Mau.(ecs, ) (Entered: 07/25/2014)
07/25/2014	<u>162</u>	(TRIAL) Exhibit List – filed by Laurel J. Mau.(ecs, ) (Entered: 07/25/2014)
07/25/2014	<u>163</u>	(TRIAL) Defendant/Counter–Claimant Mitsunaga & Associates, Inc's Amended Trial Witness List -- filed by Mitsunaga & Associates, Inc..(ecs, ) (Entered: 07/25/2014)
07/25/2014	<u>164</u>	(TRIAL) Exhibit List -- filed by Mitsunaga & Associates, Inc.(ecs, ) (Entered: 07/25/2014)
07/25/2014	<u>165</u>	SPECIAL VERDICT FORM. (ecs, ) (Entered: 07/25/2014)
07/25/2014	<u>166</u>	EP: Further Jury Deliberations [Day 2]. Plaintiff Laurel J. Mau present. Terri Ann Otani, representative of Mitsunaga & Associates, Inc. present. 8 jurors present.[10:00 a.m.]Court reconvenes to accept jury verdict.Verdict read and filed. Jury polled. (Court Reporter Gloria Bediamol.) (JUDGE DERRICK K. WATSON)(tl, )No COS issued for this

		docket entry (Entered: 07/29/2014)
07/29/2014	<u>168</u>	Receipt for EXHIBITS – recieved by Terri Ann Otani, Mitsunaga & Associates, Inc..(ecs, ) (Entered: 07/31/2014)
07/29/2014	<u>169</u>	RECEIPT FOR EXHIBITS – received by Carl H. Osaki/Laurel J. Mau.(ecs, ) (Entered: 07/31/2014)
07/31/2014	<u>167</u>	JUDGMENT in a Civil Case entered pursuant to <u>165</u> Special Verdict Form filed on 7/25/2014. Signed by S. Beitia, Clerk; /es/, Deputy Clerk on 7/31/2014. (ecs, ) <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e–mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 07/31/2014)</p>
08/08/2014	<u>170</u>	BILL OF COSTS by Mitsunaga & Associates, Inc.. (Attachments: # <u>1</u> Itemized Bill of Costs, # <u>2</u> Memorandum In Support, # <u>3</u> Declaration of Counsel, # <u>4</u> Exhibit "A", # <u>5</u> Exhibit "B", # <u>6</u> Exhibit "C", # <u>7</u> Exhibit "D", # <u>8</u> Exhibit "E", # <u>9</u> Exhibit "F", # <u>10</u> Exhibit "G", # <u>11</u> Exhibit "H", # <u>12</u> Exhibit "I", # <u>13</u> Exhibit "J", # <u>14</u> Exhibit "K", # <u>15</u> Exhibit "L", # <u>16</u> Exhibit "M", # <u>17</u> Exhibit "N", # <u>18</u> Exhibit "O", # <u>19</u> Exhibit "P", # <u>20</u> Certificate of Service)(Tanaka, Sheri) (Entered: 08/08/2014)
08/08/2014	<u>171</u>	MOTION for Attorney Fees <i>and Non–Taxable Expenses</i> Sheri J. Tanaka appearing for Defendant Mitsunaga & Associates, Inc., Counter Claimant Mitsunaga & Associates, Inc. (Attachments: # <u>1</u> Certificate of Service)(Tanaka, Sheri) (Entered: 08/08/2014)
08/11/2014	<u>172</u>	EO: The <u>171</u> Defendant's MOTION for Attorney Fees and Non–Taxable Expenses will be decided without a hearing. The briefing schedules shall be governed by the Court's Local Rules. (Judge BARRY M. KURREN)(bbb) <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e–mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 08/11/2014)</p>
08/12/2014	<u>173</u>	TRANSCRIPT of Proceedings (JT Day 2) held on July 15, 2014, – before Judge Derrick K. Watson. Court Reporter/Transcriber Gloria T. Bediamol, Telephone number (808) 541–2060. Transcript may be viewed at the court public terminal or ordered through the Court Reporter/Transcriber before the deadline for Release of Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a),FRCrP 49.1(a) and FRBP 9037(a) Redaction Request due 9/2/2014. Redacted Transcript Deadline set for 9/9/2014. Release of Transcript Restriction set for 11/7/2014. pp. 125. (gb@hid.uscourts.gov) (Entered: 08/12/2014)
08/12/2014	<u>174</u>	TRANSCRIPT of Proceedings (JT Day 3) held on July 16, 2014, – before Judge Derrick K. Watson. Court Reporter/Transcriber Gloria T. Bediamol, Telephone number (808) 541–2060. Transcript may be viewed at the court public terminal or ordered through the Court Reporter/Transcriber before the deadline for Release of Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a),FRCrP 49.1(a) and FRBP 9037(a) Redaction Request due 9/2/2014. Redacted Transcript Deadline set for 9/9/2014. Release of Transcript Restriction set for 11/7/2014. pp. 168. (gb@hid.uscourts.gov) (Entered: 08/12/2014)
08/12/2014	<u>175</u>	TRANSCRIPT of Proceedings (JT Day 4) held on July 17, 2014, – before Judge Derrick K. Watson. Court Reporter/Transcriber Gloria T. Bediamol, Telephone number (808) 541–2060. Transcript may be viewed at the court public terminal or ordered through the Court Reporter/Transcriber before the deadline for Release of Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a),FRCrP 49.1(a) and FRBP 9037(a) Redaction Request due 9/2/2014. Redacted Transcript Deadline set for 9/9/2014. Release of Transcript Restriction set for 11/7/2014. pp. 147. (gb@hid.uscourts.gov) (Entered: 08/12/2014)
08/12/2014	<u>176</u>	TRANSCRIPT of Proceedings (JT Day 5) held on July 18, 2014, – before Judge Derrick K. Watson. Court Reporter/Transcriber Gloria T. Bediamol, Telephone number (808) 541–2060. Transcript may be viewed at the court public terminal or ordered through the Court Reporter/Transcriber before the deadline for Release of



		Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a),FRCrP 49.1(a) and FRBP 9037(a) Redaction Request due 9/2/2014. Redacted Transcript Deadline set for 9/9/2014. Release of Transcript Restriction set for 11/7/2014. pp. 222. (gb@hid.uscourts.gov) (Entered: 08/12/2014)
08/12/2014	<u>177</u>	TRANSCRIPT of Proceedings (partial transcript) (JT Day 6) held on July 21, 2014, – before Judge Derrick K. Watson. Court Reporter/Transcriber Gloria T. Bediamol, Telephone number (808) 541–2060. Transcript may be viewed at the court public terminal or ordered through the Court Reporter/Transcriber before the deadline for Release of Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a),FRCrP 49.1(a) and FRBP 9037(a) Redaction Request due 9/2/2014. Redacted Transcript Deadline set for 9/9/2014. Release of Transcript Restriction set for 11/7/2014. pp. 163. (gb@hid.uscourts.gov) (Entered: 08/12/2014)
08/12/2014	<u>178</u>	TRANSCRIPT of Proceedings (Partial transcript) (JT Day 7) held on July 22, 2014, – before Judge Derrick K. Watson. Court Reporter/Transcriber Gloria T. Bediamol, Telephone number (808) 541–2060. Transcript may be viewed at the court public terminal or ordered through the Court Reporter/Transcriber before the deadline for Release of Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a),FRCrP 49.1(a) and FRBP 9037(a) Redaction Request due 9/2/2014. Redacted Transcript Deadline set for 9/9/2014. Release of Transcript Restriction set for 11/7/2014. pp.91. (gb@hid.uscourts.gov) (Entered: 08/12/2014)
08/12/2014	<u>179</u>	TRANSCRIPT of Proceedings (Partial transcript) (JT Day 8) held on July 23, 2014, – before Judge Derrick K. Watson. Court Reporter/Transcriber Gloria T. Bediamol, Telephone number (808) 541–2060. Transcript may be viewed at the court public terminal or ordered through the Court Reporter/Transcriber before the deadline for Release of Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a),FRCrP 49.1(a) and FRBP 9037(a) Redaction Request due 9/2/2014. Redacted Transcript Deadline set for 9/9/2014. Release of Transcript Restriction set for 11/7/2014. pp. 64. (gb@hid.uscourts.gov) (Entered: 08/12/2014)
08/12/2014	<u>180</u>	TRANSCRIPT of Proceedings (Partial transcript) Dft's Rule 50 Mt. held on July 22, 2014, – before Judge Derrick K. Watson. Court Reporter/Transcriber Gloria T. Bediamol, Telephone number (808) 541–2060. Transcript may be viewed at the court public terminal or ordered through the Court Reporter/Transcriber before the deadline for Release of Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a),FRCrP 49.1(a) and FRBP 9037(a) Redaction Request due 9/2/2014. Redacted Transcript Deadline set for 9/9/2014. Release of Transcript Restriction set for 11/7/2014. pp. 31. (gb@hid.uscourts.gov) (Entered: 08/12/2014)
08/12/2014	<u>181</u>	TRANSCRIPT of Proceedings (Partial transcript) Pltf's closing and rebuttal stmts. held on July 24, 2014, – before Judge Derrick K. Watson. Court Reporter/Transcriber Gloria T. Bediamol, Telephone number (808) 541–2060. Transcript may be viewed at the court public terminal or ordered through the Court Reporter/Transcriber before the deadline for Release of Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a),FRCrP 49.1(a) and FRBP 9037(a) Redaction Request due 9/2/2014. Redacted Transcript Deadline set for 9/9/2014. Release of Transcript Restriction set for 11/7/2014. pp. 27. (gb@hid.uscourts.gov) (Entered: 08/12/2014)
08/13/2014	<u>182</u>	BILL OF COSTS by Laurel J. Mau. (Osaki, Carl) (Entered: 08/13/2014)
08/13/2014	<u>183</u>	MEMORANDUM re <u>182</u> BILL OF COSTS by Laurel J. Mau filed by Laurel J. Mau. (Attachments: # <u>1</u> Affidavit of Carl H. Osaki, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K, # <u>13</u> Exhibit L, # <u>14</u> Exhibit M, # <u>15</u> Certificate of Service)(Osaki, Carl) (Entered: 08/13/2014)
08/14/2014	<u>184</u>	AMENDED JUDGMENT IN A CIVIL CASE – entered for Defendant Mitsunaga & Associates on all claims in Plaintiff's complaint; Judgment for Defendant Mitsunaga & Associates on its first counterclaim for breach of duty of loyalty, Compensatory Damages awarded in the amount of \$1; Judgment for Plaintiff on all other counterclaims. JUDGMENT is entered pursuant to and in accordance with the SPECIAL VERDICT FORM filed on July 25, 2014. (eps)
		CERTIFICATE OF SERVICE

		Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 08/14/2014)
08/15/2014	<u>185</u>	OBJECTION to Bill of Costs re <u>170</u> BILL OF COSTS by Mitsunaga & Associates, Inc. filed by Laurel J. Mau. (Attachments: # <u>1</u> Declaration of Carl H. Osaki, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Certificate of Service)(Osaki, Carl) (Entered: 08/15/2014)
08/18/2014	186	EO: Counsel may file Reply Memoranda to the <u>170</u> <u>182</u> Bills of Costs that were filed. Reply Memoranda to either Bill of Cost are due 9/2/2014. (Judge BARRY M. KURREN)(kur2 ) <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <hr/> Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 08/18/2014)
08/20/2014	<u>187</u>	OBJECTION to Bill of Costs re <u>182</u> BILL OF COSTS by Laurel J. Mau <i>Filed On August 13, 2014</i> filed by Mitsunaga & Associates, Inc.. (Attachments: # <u>1</u> Declaration of Sheri J. Tanaka, # <u>2</u> Exhibit "A", # <u>3</u> Exhibit "B", # <u>4</u> Certificate of Service)(Tanaka, Sheri) (Entered: 08/20/2014)
08/22/2014	<u>188</u>	MEMORANDUM in Opposition re <u>171</u> MOTION for Attorney Fees <i>and Non-Taxable Expenses</i> filed by Laurel J. Mau. (Attachments: # <u>1</u> Declaration of Carl H. Osaki, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K, # <u>13</u> Exhibit L, # <u>14</u> Exhibit M, # <u>15</u> Exhibit N, # <u>16</u> Exhibit O, # <u>17</u> Certificate of Service)(Osaki, Carl) (Entered: 08/22/2014)
08/22/2014	<u>189</u>	MEMORANDUM in Support re <u>171</u> MOTION for Attorney Fees <i>and Non-Taxable Expenses</i> filed by Mitsunaga & Associates, Inc.. (Attachments: # <u>1</u> Affidavit of Sheri J. Tanaka, # <u>2</u> Exhibits "A"-"L", # <u>3</u> Certificate of Service)(Tanaka, Sheri) (Entered: 08/22/2014)
08/27/2014	<u>190</u>	MOTION to Strike <u>189</u> Memorandum in Support of Motion, Carl H. Osaki appearing for Counter Defendant Laurel J. Mau, Plaintiff Laurel J. Mau (Attachments: # <u>1</u> Memorandum In Support, # <u>2</u> Declaration of Carl H. Osaki, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Certificate of Service)(Osaki, Carl) (Entered: 08/27/2014)
08/28/2014	191	EO: The Court GRANTS IN PART and DENIES IN PART <u>190</u> Plaintiff's Motion to Strike Doc. <u>189</u> , or In the Alternative, for Leave to File Supplemental Memorandum in Opposition Thereto. The Court declines to strike Defendant's Memorandum in Support. However, the Court grants Plaintiff leave to file a Supplemental Opposition to Defendant's Motion for Fees. In that Supplemental Opposition, Plaintiff may reassert the challenges to Doc. <u>189</u> that are raised in the <u>190</u> Motion to Strike. Plaintiff's Opposition to the Motion for Fees is due 9/15/2014; Defendants Reply is due 10/2/2014. (Judge BARRY M. KURREN)(kur2 ) <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <hr/> Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 08/28/2014)
08/29/2014	<u>192</u>	TRANSCRIPT of Proceedings (Partial transcript) (JT DAY 9) Pltf.'s and Dft.'s closing statements held on July 24, 2014, – before Judge Derrick K. Watson. Court Reporter/Transcriber Gloria T. Bediamol, Telephone number (808) 541-2060. Transcript may be viewed at the court public terminal or ordered through the Court Reporter/Transcriber before the deadline for Release of Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a),FRCrP 49.1(a) and FRBP 9037(a) Redaction Request due 9/16/2014. Redacted Transcript Deadline set for 9/26/2014. Release of Transcript Restriction set for 11/24/2014. pp. 61. (gb@hid.uscourts.gov) (Entered: 08/29/2014)
09/02/2014	<u>193</u>	REPLY <i>Re: Plaintiff's Bill of Costs and Memorandum In Support</i> filed by Laurel J. Mau. (Attachments: # <u>1</u> Declaration of Carl H. Osaki, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Certificate of Service)(Osaki, Carl) (Entered: 09/02/2014)



09/02/2014	<u>194</u>	REPLY re <u>170</u> BILL OF COSTS by Mitsunaga & Associates, Inc. filed by Mitsunaga & Associates, Inc.. (Attachments: # <u>1</u> Supplemental Declaration of Counsel, # <u>2</u> Exhibit "Q", # <u>3</u> Exhibit "R", # <u>4</u> Exhibit "S", # <u>5</u> Exhibit "T", # <u>6</u> Exhibit "U", # <u>7</u> Exhibit "V", # <u>8</u> Certificate of Service)(Tanaka, Sheri) (Entered: 09/02/2014)
09/15/2014	<u>195</u>	Plaintiff's MEMORANDUM <i>in Opposition to</i> "Mai's <u>189</u> Memorandum in Support of Motion for Attorneys' Fees and Non-Taxable Expenses", <i>Per Court Electronic Order, Document 191</i> filed by Laurel J. Mau. (Attachments: # <u>1</u> Declaration of Carl H. Osaki, # <u>2</u> Certificate of Service)(Osaki, Carl) Modified document title text on 9/16/2014 (ecs, ). (Entered: 09/15/2014)
09/17/2014	<u>196</u>	FINDINGS AND RECOMMENDATION DENYING BILL OF COSTS. Signed by Judge BARRY M. KURREN on 9/17/2014. ~ ...the Court exercises its discretion in recommending that costs be awarded to neither party. Lastly, in the Objection to Plaintiff's Bill of Costs, Defendant seeks \$600 in attorney's fees that it "was forced to incur... in... responding to Plaintiff's Bill of Costs." (Doc. <u>187</u> at 8.) Defendant requests these fees under Local Rule 11.1, which authorizes sanctions against counsel or a party who fails to comply with the Court's Local Rules. LR 11.1. Here, the Court has not found that Plaintiff failed to comply with the Court's Local Rules. Therefore, the Court finds and recommends that Defendant's request for sanctions under Local Rule 11.1 be denied. In sum, the Court finds and recommends that Plaintiff's and Defendant's Bills of Costs (Docs. <u>170</u> & <u>182</u> ) be DENIED. (ecs, )  CERTIFICATE OF SERVICE  Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 09/17/2014)
10/01/2014	<u>197</u>	OBJECTION , <i>In Part, To</i> <u>196</u> Magistrate Judge's September 17, 2014 Findings and Recommendation Denying Bills of Costs filed by Mitsunaga & Associates, Inc.. (Attachments: # <u>1</u> Declaration of Sheri J. Tanaka, # <u>2</u> Exhibit "1", # <u>3</u> Exhibit "2", # <u>4</u> Exhibit "3", # <u>5</u> Exhibit "4", # <u>6</u> Exhibit "5", # <u>7</u> Exhibit "6", # <u>8</u> Exhibit "7", # <u>9</u> Exhibit "8", # <u>10</u> Exhibit "9", # <u>11</u> Exhibit "10", # <u>12</u> Exhibit "11", # <u>13</u> Certificate of Service)(Tanaka, Sheri) Link created on 10/2/2014 (ecs, ). (Entered: 10/01/2014)
10/02/2014		<b>CORRECTIVE ENTRY re entry docket number <u>197</u> "Objections, in part to the Magistrate Judge's September 17, 2014 Findings and Recommendation Denying Bill of Costs" filed by Mitsunaga &amp; Associates, Inc. Filing party is advised to review the Objection as it appears to be missing pages (Conclusion on page 18 is incomplete).</b> (ecs, ) (Entered: 10/02/2014)
10/02/2014	<u>198</u>	AMENDED DOCUMENT by Mitsunaga & Associates, Inc.. Amendment to <u>197</u> Objection,, <i>Resubmission of Mitsunaga &amp; Associates, Inc.'s Objections, In Part, To The Magistrate Judge's September 17, 2014 Findings and Recommendation Denying Bills of Costs Timely Filed on October 1, 2014.</i> (Attachments: # <u>1</u> Supplemental Declaration of Sheri J. Tanaka, # <u>2</u> Certificate of Service)(Tanaka, Sheri) (Entered: 10/02/2014)
10/02/2014	<u>199</u>	REPLY re <u>171</u> MOTION for Attorney Fees <i>and Non-Taxable Expenses</i> filed by Mitsunaga & Associates, Inc.. (Attachments: # <u>1</u> Declaration of Myron H. Takemoto, # <u>2</u> Supplemental Declaration of Sheri J. Tanaka, # <u>3</u> Exhibit "M", # <u>4</u> Exhibit "N", # <u>5</u> Exhibit "O", # <u>6</u> Exhibit "P", # <u>7</u> Exhibit "Q", # <u>8</u> Exhibit "R", # <u>9</u> Exhibit "S", # <u>10</u> Exhibit "T", # <u>11</u> Exhibit "U": <b>TRANSCRIPT (excerpt) not accessible for public viewing: RESTRICTED</b> , # <u>12</u> Exhibit "V", # <u>13</u> Exhibit "W": <b>TRANSCRIPT (excerpt) not accessible for public viewing: RESTRICTED</b> , # <u>14</u> Exhibit "X", # <u>15</u> Certificate of Service)(Tanaka, Sheri) Modified on 10/6/2014 – viewing restricted as to Exhibits U and W (ecs, ). (Entered: 10/03/2014)
10/15/2014	<u>200</u>	RESPONSE re <u>197</u> Objection,, <i>Re Magistrate Judge's September 17, 2014 Findings And Recommendation Denying Bills Of Costs</i> filed by Laurel J. Mau. (Attachments: # <u>1</u> Declaration of Carl H. Osaki, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K, # <u>13</u> Exhibit L, # <u>14</u> Exhibit M, # <u>15</u> Exhibit N, # <u>16</u> Certificate of Service)(Osaki, Carl) (Entered: 10/15/2014)
10/22/2014	201	<b>EO: Per Michael Seanlon's Request, the Discovery Conference set for 10/24/2014 is CONTINUED to 11/3/2014 at 11:30 AM before Judge BARRY M. KURREN. (Judge BARRY M. KURREN)(kur1)</b>

		<p style="text-align: center;"><b>CERTIFICATE OF SERVICE</b></p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry Modified on 10/22/2014 (kur1). (Entered: 10/22/2014)</p>
10/22/2014	202	<p>EO: Please disregard the Docket Entry #201, which was inadvertently filed in the wrong case. (Judge BARRY M. KURREN)(kur1)</p> <hr/> <p style="text-align: center;"><b>CERTIFICATE OF SERVICE</b></p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 10/22/2014)</p>
10/28/2014	<u>203</u>	<p>FINDINGS AND RECOMMENDATION TO DENY DEFENDANT MITSUNAGA &amp; ASSOCIATES, INC.'S <u>171</u> MOTION FOR ATTORNEYS' FEES AND NON-TAXABLE EXPENSES. Signed by Judge BARRY M. KURREN on 10/27/2014. (ecs, )</p> <hr/> <p style="text-align: center;"><b>CERTIFICATE OF SERVICE</b></p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 10/28/2014)</p>
11/03/2014	<u>204</u>	<p>ORDER ADOPTING MAGISTRATE JUDGE'S SEPTEMBER 17, 2014 <u>196</u> FINDINGS AND RECOMMENDATION DENYING BILLS OF COSTS. Signed by JUDGE DERRICK K. WATSON on 11/3/2014. ~ On the basis of the foregoing, and after careful de novo review and consideration of the Findings and Recommendation and record in this matter, the Court hereby OVERRULES <u>198</u> MAIs Objections and ADOPTS the Magistrate Judge's September 17, 2014 Findings and Recommendation Denying Bills of Costs. (ecs, )</p> <hr/> <p style="text-align: center;"><b>CERTIFICATE OF SERVICE</b></p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 11/03/2014)</p>
11/11/2014	<u>205</u>	<p>OBJECTION to the Magistrate Judge's October 28, 2014 <u>203</u> Findings and Recommendation to Deny Defendant Mitsunaga &amp; Associates, Inc.'s Motion for Attorneys' Fees and Non-Taxable Expenses filed by Mitsunaga &amp; Associates, Inc.. (Attachments: # <u>1</u> Declaration of Sheri J. Tanaka, # <u>2</u> Exhibit "1", # <u>3</u> Exhibit "2", # <u>4</u> Exhibit "3", # <u>5</u> Exhibit "4", # <u>6</u> Exhibit "5", # <u>7</u> Exhibit "6", # <u>8</u> Exhibit "7", # <u>9</u> Exhibit "8", # <u>10</u> Exhibit "9", # <u>11</u> Exhibit "10", # <u>12</u> Exhibit "11", # <u>13</u> Exhibit "12", # <u>14</u> Declaration of Darrin Sato, # <u>15</u> Certificate of Service)(Tanaka, Sheri) Link created on 12/3/2014 (ecs, ). (Entered: 11/11/2014)</p>
11/25/2014	<u>206</u>	<p>RESPONSE re <u>205</u> Objection,, <i>Of Defendant Mitsunaga &amp; Associates, Inc. To The Magistrate Judge's October 28, 2014 <u>203</u> Findings And Recommendation To Deny Defendant Mitsunaga &amp; Associates, Inc.'s Motion For Attorneys' Fees And Non-Taxable Expenses</i> filed by Laurel J. Mau. (Attachments: # <u>1</u> Declaration of Carl H. Osaki, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K, # <u>13</u> Exhibit L, # <u>14</u> Exhibit M, # <u>15</u> Exhibit N, # <u>16</u> Exhibit O, # <u>17</u> Certificate of Service)(Osaki, Carl) Link created to F &amp; R - Modified on 12/3/2014 (ecs, ). (Entered: 11/25/2014)</p>
12/02/2014	<u>207</u>	<p>NOTICE OF APPEAL (USCA No. 14-17370) by Mitsunaga &amp; Associates, Inc. Filing fee \$ 505, receipt number 0975-1479777. (Attachments: # <u>1</u> Exhibit "A", # <u>2</u> Exhibit "B", # <u>3</u> Representation Statement, # <u>4</u> Certificate of Service)(Tanaka, Sheri) Re: <u>204</u> Order Adopting Magistrate Judge's September 17, 2014 F and R Denying Bill of Costs. Modified on 12/3/2014 (ecs, ). (Entered: 12/02/2014)</p>
12/03/2014	<u>208</u>	<p>USCA Case Number 14-17370 for <u>207</u> Notice of Appeal Re : <u>204</u> Order Adopting Magistrate Judge's September 17, 2014 F and R Denying Bill of Costs filed by Mitsunaga &amp; Associates, Inc. (ecs, )No COS issued for this docket entry (Entered: 12/03/2014)</p>
12/03/2014	<u>209</u>	<p>USCA Time Schedule Order as to <u>207</u> Notice of Appeal, filed by Mitsunaga &amp; Associates, Inc. (ecs, )No COS issued for this docket entry (Entered: 12/03/2014)</p>

12/03/2014	<u>210</u>	Attorney Appeal Packet – Rule 3(d) FRAP letter re <u>207</u> Notice of Appeal (Attachments: # <u>1</u> Instructions for Civil Appeals, # <u>2</u> Additional Instructions for Transcript Designation and Ordering Forms, # <u>3</u> Docket sheet)(ecs, ) <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e–mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 12/03/2014)</p>
12/15/2014	<u>211</u>	TRANSCRIPT Designation and Ordering Form by Mitsunaga & Associates, Inc. (Attachments: # <u>1</u> Certificate of Service Certificate of Service)(Tanaka, Sheri) (Entered: 12/15/2014)
12/17/2014	<u>212</u>	NOTICE by Laurel J. Mau re <u>211</u> Transcript Designation and Ordering Form <i>Of Designation Of Additional Transcripts</i> Laurel J. Mau. (Attachments: # <u>1</u> Certificate of Service)(Osaki, Carl) (Entered: 12/17/2014)
12/19/2014	<u>213</u>	ORDER ADOPTING MAGISTRATE JUDGES OCTOBER 28, 2014 FINDINGS AND RECOMMENDATION TO DENY DEFENDANT MITSUNAGA & ASSOCIATES, INC.'S MOTION FOR ATTORNEYS' FEES AND NON–TAXABLE EXPENSES <u>203</u> . Signed by JUDGE DERRICK K. WATSON on 12/19/2014. ~ On the basis of the foregoing, and after careful de novo review and consideration of the Findings and Recommendation and record in this matter, the Court hereby OVERRULES MAI's Objections and ADOPTS the Magistrate Judge's October 28, 2014 Findings and Recommendation. (ecs, ) <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e–mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 12/19/2014)</p>
01/02/2015	<u>214</u>	TRANSCRIPT Designation and Ordering Form by Mitsunaga & Associates, Inc. (Attachments: # <u>1</u> Certificate of Service Certificate of Service)(Tanaka, Sheri) (Entered: 01/02/2015)
01/16/2015	<u>215</u>	NOTICE OF APPEAL (USCA NO. 15–15109) by Mitsunaga & Associates, Inc.. Filing fee \$ 505, receipt number 0975–1497942. (Attachments: # <u>1</u> Exhibit "A", # <u>2</u> Exhibit "B", # <u>3</u> Representation Statement, # <u>4</u> Certificate of Service)(Tanaka, Sheri) Modified on 1/22/2015 (ecs, ). (Entered: 01/16/2015)
01/21/2015	<u>216</u>	USCA Case Number 15–15109 for <u>215</u> Notice of Appeal, filed by Mitsunaga & Associates, Inc. (ecs, )No COS issued for this docket entry (Entered: 01/22/2015)
01/21/2015	<u>217</u>	USCA Time Schedule Order (No. 15–15109) as to <u>215</u> Notice of Appeal, filed by Mitsunaga & Associates, Inc.. (ecs, )No COS issued for this docket entry (Entered: 01/22/2015)
01/22/2015	<u>218</u>	Attorney Appeal Packet – Rule 3(d) FRAP letter re <u>215</u> Notice of Appeal (USCA NO. 15–15109) (Attachments: # <u>1</u> Instructions for Civil Appeals, # <u>2</u> Additional Instructions and Forms, # <u>3</u> Docket Sheet)(ecs, ) <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e–mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 01/22/2015)</p>
01/29/2015	<u>219</u>	TRANSCRIPT of Proceedings Defendant's Motion for Leave to File Counterclaim held on 06/26/2013, before Judge Barry M. Kurren. Court Transcriber Cynthia R. Ott, Telephone number (808) 541–2062. Transcript may be viewed at the court public terminal or ordered through the Court Transcriber before the deadline for Release of Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a), FRCrP 49.1(a) and FRBP 9037(a) Redaction Request due 2/17/2015. Redacted Transcript Deadline set for 2/26/2015. Release of Transcript Restriction set for 4/27/2015. (co@hid.uscourts.gov) PP.5. (Entered: 01/29/2015)
01/29/2015	<u>220</u>	TRANSCRIPT of Proceedings Plaintiff's Motion to Modify Amended Rule 16 Scheduling Order held on 04/17/2014, before Judge Barry M. Kurren. Court Transcriber Cynthia R. Ott, Telephone number (808) 541–2062. Transcript may be viewed at the court public terminal or ordered through the Court Transcriber before the

		deadline for Release of Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a),FRCrP 49.1(a) and FRBP 9037(a) Redaction Request due 2/17/2015. Redacted Transcript Deadline set for 2/26/2015. Release of Transcript Restriction set for 4/27/2015. (co@hid.uscourts.gov) PP.8. (Entered: 01/29/2015)
01/29/2015	<u>221</u>	TRANSCRIPT of Proceedings Pltf's. MIL, final pretrial conf. held on June 10, 2014, – before Judge Derrick K. Watson. Court Reporter/Transcriber Gloria T. Bediamol, Telephone number (808) 541–2060. Transcript may be viewed at the court public terminal or ordered through the Court Reporter/Transcriber before the deadline for Release of Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a),FRCrP 49.1(a) and FRBP 9037(a) Redaction Request due 2/17/2015. Redacted Transcript Deadline set for 2/26/2015. Release of Transcript Restriction set for 4/27/2015. pp 24. (gb@hid.uscourts.gov) (Entered: 01/29/2015)
01/29/2015	<u>222</u>	TRANSCRIPT of Proceedings Jury Selection held on July 14, 2014, – before Judge Derrick K. Watson. Court Reporter/Transcriber Gloria T. Bediamol, Telephone number (808) 541–2060. Transcript may be viewed at the court public terminal or ordered through the Court Reporter/Transcriber before the deadline for Release of Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a),FRCrP 49.1(a) and FRBP 9037(a) Redaction Request due 2/17/2015. Redacted Transcript Deadline set for 2/26/2015. Release of Transcript Restriction set for 4/27/2015. pp. 159. (gb@hid.uscourts.gov) (Entered: 01/29/2015)
01/29/2015	<u>223</u>	TRANSCRIPT of Proceedings JT (Day 1) held on July 14, 2014, – before Judge Derrick K. Watson. Court Reporter/Transcriber Gloria T. Bediamol, Telephone number (808) 541–2060. Transcript may be viewed at the court public terminal or ordered through the Court Reporter/Transcriber before the deadline for Release of Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a),FRCrP 49.1(a) and FRBP 9037(a) Redaction Request due 2/17/2015. Redacted Transcript Deadline set for 2/26/2015. Release of Transcript Restriction set for 4/27/2015. pp. 42. (gb@hid.uscourts.gov) (Entered: 01/29/2015)
01/29/2015	<u>224</u>	TRANSCRIPT of Proceedings JT (Day 2) held on July 15, 2014, – before Judge Derrick K. Watson. Court Reporter/Transcriber Gloria T. Bediamol, Telephone number (808) 541–2060. Transcript may be viewed at the court public terminal or ordered through the Court Reporter/Transcriber before the deadline for Release of Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a),FRCrP 49.1(a) and FRBP 9037(a) Redaction Request due 2/17/2015. Redacted Transcript Deadline set for 2/26/2015. Release of Transcript Restriction set for 4/27/2015. pp. 125. (gb@hid.uscourts.gov) (Entered: 01/29/2015)
01/29/2015	<u>225</u>	TRANSCRIPT of Proceedings JT (Day 3) held on July 16, 2014, – before Judge Derrick K. Watson. Court Reporter/Transcriber Gloria T. Bediamol, Telephone number (808) 541–2060. Transcript may be viewed at the court public terminal or ordered through the Court Reporter/Transcriber before the deadline for Release of Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a),FRCrP 49.1(a) and FRBP 9037(a) Redaction Request due 2/17/2015. Redacted Transcript Deadline set for 2/26/2015. Release of Transcript Restriction set for 4/27/2015. pp. 168 (gb@hid.uscourts.gov) (Entered: 01/29/2015)
01/29/2015	<u>226</u>	TRANSCRIPT of Proceedings JT (Day 4) held on July 17, 2014, – before Judge Derrick K. Watson. Court Reporter/Transcriber Gloria T. Bediamol, Telephone number (808) 541–2060. Transcript may be viewed at the court public terminal or ordered through the Court Reporter/Transcriber before the deadline for Release of Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a),FRCrP 49.1(a) and FRBP 9037(a) Redaction Request due 2/17/2015. Redacted Transcript Deadline set for 2/26/2015. Release of Transcript Restriction set for 4/27/2015. pp. 147. (gb@hid.uscourts.gov) (Entered: 01/29/2015)
01/29/2015	<u>227</u>	TRANSCRIPT of Proceedings JT (Day 5) held on July 18, 2014, – before Judge Derrick K. Watson. Court Reporter/Transcriber Gloria T. Bediamol, Telephone number (808) 541–2060. Transcript may be viewed at the court public terminal or ordered through the Court Reporter/Transcriber before the deadline for Release of Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a),FRCrP 49.1(a) and FRBP 9037(a) Redaction Request due 2/17/2015. Redacted Transcript Deadline set for 2/26/2015. Release of Transcript Restriction set for



		4/27/2015. pp. 222. (gb@hid.uscourts.gov) (Entered: 01/29/2015)
01/29/2015	<u>228</u>	TRANSCRIPT of Proceedings JT (Day 6) held on July 21, 2014, – before Judge Derrick K. Watson. Court Reporter/Transcriber Gloria T. Bediamol, Telephone number (808) 541–2060. Transcript may be viewed at the court public terminal or ordered through the Court Reporter/Transcriber before the deadline for Release of Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a),FRCrP 49.1(a) and FRBP 9037(a) Redaction Request due 2/17/2015. Redacted Transcript Deadline set for 2/26/2015. Release of Transcript Restriction set for 4/27/2015. pp. 191. (gb@hid.uscourts.gov) (Entered: 01/29/2015)
01/29/2015	<u>229</u>	TRANSCRIPT of Proceedings JT (Day 7) held on July 22, 2014, – before Judge Derrick K. Watson. Court Reporter/Transcriber Gloria T. Bediamol, Telephone number (808) 541–2060. Transcript may be viewed at the court public terminal or ordered through the Court Reporter/Transcriber before the deadline for Release of Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a),FRCrP 49.1(a) and FRBP 9037(a) Redaction Request due 2/17/2015. Redacted Transcript Deadline set for 2/26/2015. Release of Transcript Restriction set for 4/27/2015. pp. 141. (gb@hid.uscourts.gov) (Entered: 01/29/2015)
01/29/2015	<u>230</u>	TRANSCRIPT of Proceedings JT (Day 8) held on July 23, 2014, – before Judge Derrick K. Watson. Court Reporter/Transcriber Gloria T. Bediamol, Telephone number (808) 541–2060. Transcript may be viewed at the court public terminal or ordered through the Court Reporter/Transcriber before the deadline for Release of Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a),FRCrP 49.1(a) and FRBP 9037(a) Redaction Request due 2/17/2015. Redacted Transcript Deadline set for 2/26/2015. Release of Transcript Restriction set for 4/27/2015. pp. 142. (gb@hid.uscourts.gov) (Entered: 01/29/2015)
01/29/2015	<u>231</u>	TRANSCRIPT of Proceedings JT (Day 9) held on July 24, 2014, – before Judge Derrick K. Watson. Court Reporter/Transcriber Gloria T. Bediamol, Telephone number (808) 541–2060. Transcript may be viewed at the court public terminal or ordered through the Court Reporter/Transcriber before the deadline for Release of Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a),FRCrP 49.1(a) and FRBP 9037(a) Redaction Request due 2/17/2015. Redacted Transcript Deadline set for 2/26/2015. Release of Transcript Restriction set for 4/27/2015. pp. 124. (gb@hid.uscourts.gov) (Entered: 01/29/2015)
01/29/2015	<u>232</u>	TRANSCRIPT of Proceedings JT (Verdict) held on July 25, 2014, – before Judge Derrick K. Watson. Court Reporter/Transcriber Gloria T. Bediamol, Telephone number (808) 541–2060. Transcript may be viewed at the court public terminal or ordered through the Court Reporter/Transcriber before the deadline for Release of Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a),FRCrP 49.1(a) and FRBP 9037(a) Redaction Request due 2/17/2015. Redacted Transcript Deadline set for 2/26/2015. Release of Transcript Restriction set for 4/27/2015. pp. 9. (gb@hid.uscourts.gov) (Entered: 01/29/2015)
01/30/2015	<u>233</u>	TRANSCRIPT Designation and Ordering Form by Mitsunaga & Associates, Inc. (Attachments: # <u>1</u> Certificate of Service)(Tanaka, Sheri) (Entered: 01/30/2015)
09/25/2015	<u>234</u>	Certificate of Record re <u>207</u> Notice of Appeal, USCA Number: 14–17370. (lmg, ) <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> Participants registered to receive electronic notifications received this document electronically at the e–mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 09/25/2015)
10/05/2018	<u>235</u>	ORDER of USCA as to <u>207</u> Notice of Appeal, filed by Mitsunaga & Associates, Inc., USCA NO. 14–17370 <u>and</u> <u>215</u> Notice of Appeal, filed by Mitsunaga & Associates, Inc., USCA NO. 15–15109: Appellant's Motion to Reschedule Oral Argument [Dkt. 42] is DENIED. (emt, ) (Entered: 10/05/2018)
10/10/2018	<u>236</u>	ORDER of USCA as to <u>207</u> Notice of Appeal, filed by Mitsunaga & Associates, Inc., USCA NO. 14–17370 <u>and</u> <u>215</u> Notice of Appeal, filed by Mitsunaga & Associates, Inc., USCA NO. 15–15109: This case is therefore ordered submitted on the briefs and record without oral argument

		on Thursday, October 11, 2018 in Honolulu, Hawai'i. <i>See</i> Fed. R. App. P. 34(a)(2). (emt, ) (Entered: 10/10/2018)
11/08/2018	<u>237</u>	MEMORANDUM of USCA <i>re</i> : <u>207</u> and <u>215</u> Notices of Appeal, filed by Mitsunaga & Associates, Inc., 9CCA nos. 14-17370 and 15-15109, respectively. <b>AFFIRMED.</b>  "Mitsunaga & Associates, Inc. ("MAI") appeals the district court's orders (1) denying MAI's motion to tax costs and (2) denying MAI's motion for attorneys fees and non-taxable costs. We affirm both orders...."  (afc) (Entered: 11/08/2018)
11/30/2018	<u>238</u>	MANDATE of USCA as to <u>207</u> Notice of Appeal, filed by Mitsunaga & Associates, Inc., USCA NO. 14-17370 <u>and</u> <u>215</u> Notice of Appeal, filed by Mitsunaga & Associates, Inc., USCA NO. 15-15109: The judgment of this Court, entered November 08, 2018, takes effect this date. This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure. Costs are taxed against the appellant in the amount of \$301.50. (emt, ) (Entered: 12/04/2018)

# EXHIBIT 2



**PRINTABLE CASE VIEW****Generated: 4-JAN-2024 04:03 AM****Search Criteria: Case ID or Citation Number: 1CC121000524****1 record(s) total**

<b>Case ID:</b> 1CC121000524 - STANFORD H MASUI ETAL VS EDGAR KAMAKA ETAL <b>Type:</b> CV - Circuit Court Civil <b>Status:</b> TERMINATED - Terminated Case <b>Last Updated:</b> 19-Nov-2015	<b>Filing Date:</b> FRIDAY, FEBRUARY 24, 2012 <b>Court:</b> FIRST CIRCUIT <b>Location:</b> PUNCHBOWL	
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**Related Cases**

No related cases were found.

**Case Parties**

Seq #	Assoc	End Date	Type	ID	Name / Aliases
1	Masui, Stanford H. Masui, Erin		Plaintiff	@3790489	MASUI, STANFORD H
2	Masui, Stanford H. Masui, Erin		Plaintiff	@3790490	MASUI, DORETTA L
3	Osaki, Carl H.		Defendant	@3790491	KAMAKA, EDGAR
4	Knowlton, Douglas H.		Defendant	@3790492	CONSTANTINO, DEMETRIO
5	Knowlton, Douglas H.		Defendant	@3790493	DYC ELECTRICAL SRVC L L C
6	Osaki, Carl H.		Defendant	@3790494	PHAN, RANDALL
7	Osaki, Carl H.		Defendant	@3790495	AIR FLOW SYSTEM
8	Osaki, Carl H.		Defendant	@3790496	TJJJ CORP
9	Osaki, Carl H.		Defendant	@3790497	MAU, LAUREL

Seq #	Assoc	End Date	Type	ID	Name / Aliases
10	Tanaka, Sheri Jean		Defendant	@3790498	MITSUNAGA AND ASSOCIATES
11	Osaki, Carl H.		Defendant	@3790499	WONG, WILLIAM
12	Osaki, Carl H.		Defendant	@3670605	JENKEN ARCHITECTURE
13	MASUI, STANFORD H MASUI, DORETTA L		Attorney	A1801	Masui, Stanford H.
14	MASUI, STANFORD H MASUI, DORETTA L		Attorney	A9771	Masui, Erin
15	KAMAKA, EDGAR PHAN, RANDALL AIR FLOW SYSTEM TJJJ CORP MAU, LAUREL WONG, WILLIAM JENKEN ARCHITECTUR E		Attorney	A4008	Osaki, Carl H.
16	CONSTANTINO, DEMETRIO DYC ELECTRICAL SRVC L L C		Attorney	A3438	Knowlton, Douglas H.
17	MITSUNAGA AND ASSOCIATES		Attorney	A9406	Tanaka, Sheri Jean
18		15-NOV-2019	Other	D1C15	First Circuit Court 15th Division
19			Other	D1CV0	First Circuit Civil Admin Judge

**Bail / Bond Information**

No Bails were found.

**Events**

<b>Event</b>	<b>Parties</b>	<b>Date</b>	<b>Time</b>	<b>Room</b>	<b>Location</b>	<b>Judge</b>	<b>Appearance Disposition</b>
Status Conference		12/09/2014	13:30:00	First Circuit 15th Division	PUNCHBOWL	Nacino , Edwin	OTH-Other
Jury Trial		10/06/2014	00:00:00	First Circuit Cvl Admin Judge	PUNCHBOWL	Judge, Presiding	DOC-Document to be Filed
Jury Trial		10/06/2014	08:30:00	First Circuit 15th Division	PUNCHBOWL	Nacino , Edwin	OFF-Off
Mot for Summary Judgment		09/24/2014	14:00:00	First Circuit 15th Division	PUNCHBOWL	Nacino , Edwin	OFF-Off
Hearing on Motion		09/17/2014	08:30:00	First Circuit 15th Division	PUNCHBOWL	Nacino , Edwin	OFF-Off
Settlement Conference		08/27/2014	10:30:00	First Circuit 15th Division	PUNCHBOWL	Nacino , Edwin	RSC-Rescheduled
Settlement Conference		08/19/2014	13:30:00	First Circuit 15th Division	PUNCHBOWL	Nacino , Edwin	SET-Settled
Hearing on Motion		07/02/2014	10:00:00	First Circuit 15th Division	PUNCHBOWL	Nacino , Edwin	GRT-Granted
Mot for Summary Judgment		05/07/2014	11:00:00	First Circuit 15th Division	PUNCHBOWL	Nacino , Edwin	DND-Denied
Settlement Conference		04/09/2014	13:30:00	First Circuit 15th Division	PUNCHBOWL	Nacino , Edwin	OFF-Off
Status Conference		08/08/2013	09:00:00	First Circuit 15th Division	PUNCHBOWL	Nacino , Edwin	OTH-Other
Status Conference		06/20/2013	09:30:00	First Circuit 15th Division	PUNCHBOWL	Nacino , Edwin	OTH-Other
Hearing on Motion		06/01/2013	00:00:00	First Circuit 15th Division	PUNCHBOWL	Nacino , Edwin	GRT-Granted
Hearing on Motion		06/01/2013	00:00:00	First Circuit 15th Division	PUNCHBOWL	Nacino , Edwin	GRT-Granted
Hearing on Motion		05/29/2013	09:00:00	First Circuit 15th Division	PUNCHBOWL	Nacino , Edwin	DND-Denied
Hearing on Motion		12/27/2012	10:30:00	First Circuit 15th Division	PUNCHBOWL	Nacino , Edwin	GRT-Granted
Hearing on Motion		12/12/2012	11:30:00	First Circuit 15th Division	PUNCHBOWL	Nacino , Edwin	RSC-Rescheduled
Hearing on Motion		07/03/2012	09:00:00	First Circuit 15th Division	PUNCHBOWL	Nacino , Edwin	OTH-Other
Hearing on Motion		05/23/2012	10:00:00	First Circuit 15th Division	PUNCHBOWL	Nacino , Edwin	DND-Denied

Event	Parties	Date	Time	Room	Location	Judge	Appearance Disposition
Hearing on Motion		05/08/2012	10:00:00	First Circuit 15th Division	PUNCHBOWL	Nacino , Edwin	GRT-Granted
Hearing on Motion		05/02/2012	13:30:00	First Circuit 15th Division	PUNCHBOWL	Nacino , Edwin	RSC-Rescheduled
Assigned Civil Calendar		02/24/2012	00:00:00	First Circuit 15th Division	PUNCHBOWL	Nacino , Edwin	DOC-Document to be Filed

**Dockets**

Docket #	Date	Docket	Document Name	Parties	Filing Party
1	02/24/2012	Civil Information Sheet Converted DOC ID: CIS, Comments:	CIVIL INFORMATION SHEET	All Case Parties	Masui, Stanford H.
2	02/24/2012	Document Converted DOC ID: , Comments: (CASE ASSIGNED TO JUDGE E NACINO)	COMPLAINT; EXHIBITS 1-4; SUMMONS	All Case Parties	Masui, Stanford H.
3	02/24/2012	Document Converted DOC ID: , Comments:	NOTICE FOR PAYMENT OF FEES (\$300.00) (PD 02/24/12)	All Case Parties	FILED BY COURT, COURT
217	02/24/2012	Minutes 08/19/2014: SETTLEMENT PLACED ON THE RECORD WITH JUDGE NACINO. ***** **** 03/03/2015: STIPULATION FOR DISMISSAL WITH PREJUDICE OF ALL CLAIMS AND PARTIES PROCESSED BY THE FIFTEENTH DIVISION.		All Case Parties	
4	03/05/2012	Service-Return/Acknowledgement Converted DOC ID: RAS, Comments:	RETURN AND ACKNOWLEDGMENT OF SERVICE (SRVD COMPLAINT, ETC ON EDGAR KAMAKA ON 3/4/12)	All Case Parties	Masui, Stanford H.
5	03/08/2012	Service-Return/Acknowledgement Converted DOC ID: RAS, Comments:	RETURN AND ACKNOWLEDGMENT OF SERVICE (SRVD COMPLAINT ETC ON RANDALL PHAN DBA AIR FLOW SYSTEM ON 03/05/12)	All Case Parties	Masui, Stanford H.
6	03/23/2012	Additional Claims Info Sheet Converted DOC ID: ACIS, Comments:	ADDITIONAL CLAIMS INFORMATION SHEET	All Case Parties	Osaki, Carl H.
7	03/23/2012	Document Converted DOC ID: , Comments:	DEFT EDGAR KAMAKA'S ANSWER TO COMPLAINT; FILED 02/24/12; COUNTERCLAIM; SUMMONS; C/S	All Case Parties	Osaki, Carl H.

8	03/30/2012	Document Converted DOC ID: , Comments:	DEFENDANT RANDALL PHAN'S MOTION TO DISMISS PLTF'S COMPLAINT FILED ON 2/24/12; MEMORANDUM IN SUPPORT OF MOTION; EXHS A & B; AFFIDAVIT OF RANDAL PHAN; NOTICE OF HEARING ON MOTION; C/S	All Case Parties	Lau, Stephen Y.
9	04/12/2012	Document Converted DOC ID: , Comments:	PLTF'S MOTION TO DISMISS COUNTERCLAIM OF DEFT EDGAR KAMAKA; MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS COUNTERCLAIM; EX A - D; NOTICE OF HEARING MOTION; C/S	All Case Parties	Masui, Stanford H.
10	04/26/2012	Document Converted DOC ID: , Comments:	STIPULATION TO CONTINUE DEFT RANDAL PHAN'S MOTION TO DISMISS PLTF'S COMPLAINT FILED ON 2/24/12	All Case Parties	Masui, Stanford H.
218	05/02/2012	Minutes MINUTE ORDER: APRIL 18, 2012 PER STIPULATION TO CONTINUE DEFT RANDAL PHAN'S MOTION TO DISMISS PLTF'S COMPLAINT FILED ON 02/24/2012, THIS HEARING IS RESCHEDULED TO 05/23/2012, AT 10:00 A.M. MR. MATSUI WAS PREVIOUSLY SCHEDULED FOR ANOTHER HEARING IN KONA.		All Case Parties	
11	05/04/2012	Document Converted DOC ID: , Comments: PLAINTIFFS' COUNTER MOTION TO AMEND COMPLAINT AND/OR TO SUBSTITUTE PARTIES AS TO RANDALL PHAN DBA AIR FLOW SYSTEM, AND IN OPPOSITION TO DEFENDANT RANDALL PHAN'S MOTION TO DISMISS	PLAINTIFFS' COUNTER MOTION TO AMEND COMPLAINT AND/OR TO SUBSTITUTE PARTIES AS TO RANDALL PHAN DBA AIR FLOW SYSTEM, DECLARATION OF STANFORD H MASUI, EX 1-4, MEMORANDUM IN SUPPORT OF	All Case Parties	Masui, Stanford H.
12	05/04/2012	Document Converted DOC ID: , Comments:	COMPLAINT FILED ON 2/24/12; MOTION FILED 3/30/12, NOTICE OF HEARING MOTION; C/S	All Case Parties	Masui, Stanford H.

219	05/08/2012	<p>Minutes  ***COURT REPORTER: MILANI BALLESTEROS*** (10:08 - 10:12 A.M.)  CASE CALLED: PRESENT WAS: STANFORD MASUI FOR PLTFS AND SPECIALLY APPEARING ON BEHALF OF THE ESTATE OF BERNARD LOO AND MATILDA LOO. MR. MASUI REPRESENTED THAT SERVICE WAS MADE BY U.S. MAIL AND NO WRITTEN RESPONSES WERE RECEIVED. THREE CALLS WERE MADE BY THE LAW CLERK AT 10:10 A.M. FOR EDWARD KAMAKA WITH NO RESPONSE. THERE BEING NO APPEARANCE AND NO WRITTEN OBJECTION FILED PURSUANT TO HAWAII CIRCUIT COURT RULES, THE COURT DEEMED IT TO BE A WAIVER OF ANY OBJECTIONS TO THE MOTION AND THE COURT GRANTED THE MOTION. MR. MASUI TO PREPARE THE ORDER. THE COURT DENIED MR. MASUI'S ORAL MOTION FOR RULE 11 SANCTIONS.</p>		All Case Parties	
13	05/23/2012	<p>Document  Converted  DOC ID: , Comments:</p>	<p>EXHIBIT A P.2 TO PLTFS' MOTION TO DISMISS COUNTERCLAIM OF DEFT EDGAR KAMAKA FILED 04/12/12; C/S</p>	All Case Parties	Masui, Stanford H.

220	05/23/2012	Minutes ***COURT REPORTER: JAMIE MIYASATO*** (10:24 - 10:28 A.M.) CASE CALLED. PRESENT WAS: STANFORD MASUI FOR PLTF'S. MOTION #1 - THE MOTION IS DENIED FOR NON-APPEARANCE OF MOVANT. MR. MASUI TO PREPARE THE ORDER. MOTION #2 - THE COURT ENTERTAINED THIS COUNTER-MOTION AS A MEMORANDUM IN OPPOSITION TO DEFT PHAN'S MOTION TO DISMISS PLTF'S COMPLAINT AND INSTRUCTED MR. MASUI TO REFILE THIS MOTION AS A MOTION TO AMEND COMPLAINT.		All Case Parties	
14	06/01/2012	Document Converted DOC ID: , Comments: NOTICE OF HEARING; C/S	PLAINTIFFS' MOTION FOR RULE 11 SANCTIONS; DECLARATION OF STANFORD H MASUI; DECLARATION OF CLAIRE S ARAKAKI; MEMORANDUM OF LAW IN SUPPORT OF PLTF'S MOTION FOR RULE 11 SANCTIONS, EXHS A TO C;	All Case Parties	Masui, Stanford H.
15	06/25/2012	Document Converted DOC ID: , Comments:	MEMORANDUM IN OPPOSITION TO MOTION FOR RULE 11 SANCTIONS; AFFIDAVIT OF CARL H OSAKI; EXH A; C/S	All Case Parties	Osaki, Carl H.
16	06/27/2012	Service-Return/Acknowledgement Converted DOC ID: RAS, Comments:	RETURN AND ACKNOWLEDGMENT OF SERVICE (SRVD COMP ON DYC ELECTRICAL SRVC LLC ON 6/25/12)	All Case Parties	Masui, Stanford H.
17	06/29/2012	Document Converted DOC ID: , Comments:	PLAINTIFFS' REPLY TO KAMAKA'S MEMORANDUM IN OPPOSITION TO PLAINTIFFS' MOTION FOR RULE 11 SANCTIONS, (MOTION FILED 6/1/12); C/S	All Case Parties	Masui, Stanford H.
18	07/03/2012	Order Converted DOC ID: O, Comments:	ORDER GRANTING PLTF'S MTN TO DISMISS COUNTERCLAIM OF DEFT EDGAR KAMAKA; C/S	All Case Parties	Masui, Stanford H.
19	07/03/2012	Order Converted DOC ID: O, Comments:	ORDER DENYING DEFT RANDAL PHAN'S MTN TO DISMISS PLTF'S COMPLAINT FILED ON 2/24/12; C/S	All Case Parties	Masui, Stanford H.



221	07/03/2012	<p>Minutes  ***COURT REPORTER: NIKKI CHEANG***  9:16 AM:  COURT CONVENED  W/APPEARANCES BEING MADE BY STANFORD MASUI FOR PLTF'S; CARL OSAKI FOR EDGAR KAMAKA; AND STEPHEN LAU FOR RANDALL PHAN.  9:17 AM: BENCH CONFERENCE.  9:19 AM: COURT RECONVENED.  COURT NOTED THAT THE INSTANT MATTER WILL BE TREATED AS A MOTION FOR ATTORNEY'S FEES AND COSTS, PER HRCP, RULE 54. COUNSEL HAD NO OBJECTIONS.  9:20 AM: ARGUMENT BY MR. OSAKI.  9:22 AM: ARGUMENT BY MR. MASUI.  9:24 AM: FURTHER ARGUMENT BY MR. OSAKI.  9:25 AM: COURT GRANTED PLTF'S MOTION FOR ATTORNEY'S FEES AND COSTS, FINDING REASONABLE ATTORNEY'S FEES TO BE 10 HOURS/\$3,250.00. COURT ORDERED MR. MASUI TO PROVIDE A DETAILED BREAKDOWN OF THE COSTS BEING REQUESTED. THE COURT WILL THEREAFTER RULE ON THE ISSUE OF COSTS BY MINUTE ORDER.  9:27 AM: MATTER CONCLUDED.</p> <p>*****  *****</p>		All Case Parties	
20	08/20/2012	<p>Document  Converted  DOC ID: , Comments:</p>	ORDER GRANTING PLTF'S MOTION FOR FEES AND COSTS FILED JUNE 1, 2012; C/S	All Case Parties	Masui, Stanford H.
21	10/11/2012	<p>Document  Converted  DOC ID: , Comments:</p>	NOTICE OF PENDENCY OF ACTION; EXH A	All Case Parties	Masui, Stanford H.
22	10/11/2012	<p>Document  Converted  DOC ID: , Comments:</p>	NOTICE OF PENDENCY OF ACTION; EXHS A AND B	All Case Parties	Masui, Stanford H.

23	11/08/2012	Document Converted DOC ID: , Comments:	PLTF'S MOTION TO AMEND COMPLAINT FILED ON 2/24/12; DECLARATION OF STANFORD H MASUI, EX 1-4; MEMORANDUM IN SUPPORT OF PLTF'S MOTION TO AMEND COMPLAINT; NOTICE OF HEARING MOTION; C/S	All Case Parties	Masui, Stanford H.
24	12/04/2012	Document Converted DOC ID: , Comments:	DEFT EDGAR KAMAKA'S MEMO IN PARTIAL OPPOSITION TO PLTF'S MTN TO AMEND COMPLAINT FILED ON 2/24/12 (FILED 11/8/12); AFFIDAVIT OF THOMAS LOO; AFFIDAVIT OF LAUREL MAU; C/S	All Case Parties	Osaki, Carl H.
25	12/06/2012	Document Converted DOC ID: , Comments:	FIRST STIPULATION TO CONTINUE PLTF'S MOTION TO AMEND COMPLAINT FILED ON FEBRUARY 24, 2012 AND ORDER	All Case Parties	Osaki, Carl H.
222	12/12/2012	Minutes MINUTE ORDER: DECEMBER 5, 2012 FIRST STIPULATION TO CONTINUE PLAINTIFFS' MOTION TO AMEND COMPLAINT FILED ON FEBRUARY 24, 2012 AND ORDER PROCESSED BY THE FIFTEENTH DIVISION. HEARING ON THE MOTION IS CONTINUED TO THURSDAY, DECEMBER 27, 2012, AT 10:30 A.M.		All Case Parties	
223	12/27/2012	Minutes ***COURT REPORTER: LAHELA KAMALANI-MOE*** (10:32 - 10:35 A.M.) CASE CALLED. PRESENT WERE: STANFORD MASUI AND ERIN MASUI FOR PLTF'S AND CARL OSAKI FOR DEFT EDGAR KAMAKA. ARGUMENTS BY COUNSEL. THE COURT GRANTED THE MOTION TO AMEND COMPLAINT.MR. MASUI TO PREPARE THE ORDER.		All Case Parties	
26	02/14/2013	Order Converted DOC ID: O, Comments:	ORDER GRANTING PLTF'S MTN TO AMEND COMPLAINT FILED ON 2/24/12; C/S	All Case Parties	Masui, Stanford H.
27	02/14/2013	Civil Information Sheet Converted DOC ID: CIS, Comments:	CIVIL INFORMATION SHEET	All Case Parties	Masui, Stanford H.

28	02/14/2013	Complaint Amended Converted DOC ID: ACMP, Comments:	1ST AMENDED COMPLAINT; SUMMONS	All Case Parties	Masui, Stanford H.
29	02/28/2013	Service-Return/Acknowledgement Converted DOC ID: RAS, Comments:	RETURN AND ACKNOWLEDGMENT OF SERVICE (SRVD AMENDED COMPLAINT ETC ON MITSUNAGA AND ASSOCIATES THROUGH TERRI ANN OTANI ON 02/27/13)	All Case Parties	Masui, Stanford H.
30	03/06/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Tanaka, Sheri Jean
31	03/06/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Tanaka, Sheri Jean
32	03/11/2013	Service-Return/Acknowledgement Converted DOC ID: RAS, Comments:	RETURN AND ACKNOWLEDGMENT OF SERVICE (SRVD AMENDED COMPLAINT ETC ON RANDALL PHAN ON 3/8/13)	All Case Parties	Masui, Stanford H.
33	03/18/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Tanaka, Sheri Jean
34	03/19/2013	Document Converted DOC ID: , Comments: DEMETRIO CONSTANTINO DBA DYC ELECTRICAL SERVICES, LLC, TJJJ CORP, DBA AIR FLOW SYSTEM, RANDALL PHAN, INDIVIDUALLY & AS AGENT, SERVANT OR REPRESENTATIVE OF TJJJ CORP, WILLIAM WONG &	DEFENDANT MITSUNAGA & ASSOCIATES, INC'S ANSWER TO THE FIRST AMENDED COMPLAINT FILED 2/14/13; DEFT MITSUNAGA & ASSOCIATES, INC'S CROSS-CLAIMS AGAINST DEFTS LAUREL J MAU, EDGAR KAMAKA,	All Case Parties	Tanaka, Sheri Jean
35	03/19/2013	Document Converted DOC ID: , Comments:	JENKEN ARCHITECTURE; SUMMONS & C/S	All Case Parties	Tanaka, Sheri Jean
36	03/25/2013	Document Converted DOC ID: , Comments:	DEFENDANT LAUREL MAU' ANSWER TO FIRST AMENDED COMPLAINT, FILED 2/14/13; C/S	All Case Parties	Osaki, Carl H.
37	03/25/2013	Document Converted DOC ID: , Comments:	DEFENDANT TJJJ CORP DBA AIR FLOW SYSTEM AND RANDALL PHAN, INDIVIDUALLY AND AS AGENT, SERVANT OR REPRESENTATIVE OF TJJJ CORP'S ANSWER TO FIRST AMENDED COMPLAINT, FILED 2/14/13; C/S	All Case Parties	Osaki, Carl H.

38	03/25/2013	Document Converted DOC ID: , Comments:	DEFENDANTS WILLIAM WONG AND JENKEN ARCHITECT'S ANSWER TO FIRST AMENDED COMPLAINT, FILED 2/14/13; C/S	All Case Parties	Osaki, Carl H.
39	03/25/2013	Document Converted DOC ID: , Comments:	DEFENDANT EDGAR KAMAKA'S ANSWER TO FIRST AMENDED COMPLAINT, FILED 2/14/13; C/S	All Case Parties	Osaki, Carl H.
40	04/01/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Masui, Stanford H.
41	04/01/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Masui, Stanford H.
42	04/03/2013	Document Converted DOC ID: , Comments:	DEFENDANT MITSUNAGA & ASSOCIATES INC'S NOTICE OF TAKING DEPOSITION UPON ORAL EXAMINATION OF DORETTA L MASUI	All Case Parties	Tanaka, Sheri Jean
43	04/03/2013	Document Converted DOC ID: , Comments:	DEFENDANT MITSUNAGA & ASSOCIATES, INC'S NOTICE OF TAKING DEPOSITION UPON ORAL EXAMINATION OF STANFORD H MASUI	All Case Parties	Tanaka, Sheri Jean
44	04/04/2013	Document Converted DOC ID: , Comments:	DEMAND FOR JURY TRIAL; C/S	All Case Parties	Masui, Stanford H.
45	04/08/2013	Document Converted DOC ID: , Comments:	SECOND NOTICE OF PENDENCY OF ACTION; EXHIBIT A	All Case Parties	Masui, Stanford H.
46	04/08/2013	Document Converted DOC ID: , Comments:	SECOND NOTICE OF PENDENCY OF ACTION; EXHIBIT A	All Case Parties	Masui, Stanford H.
47	04/10/2013	Document Converted DOC ID: , Comments:	PLAINTIFFS' STANFORD H MASUI AND DORETTA L MASUI, INDIVIDUALLY, AND AS TRUSTEE, DORETTA L MASUI TRUST, NOTICE OF TAKING OF DEPOSITION UPON ORAL EXAMINATION; SUBPOENA DUCES TECUM; C/S	All Case Parties	Masui, Stanford H.
48	04/10/2013	Subpoena Duces Tecum Converted DOC ID: SDT, Comments:	SUBPOENA DUCES TECUM: C/R AND/OR 30(B)(6) DESIGNEE OF MITSUNAGA & ASSOCIATES INC (ORIGINAL OUT FOR SERVICE)	All Case Parties	Masui, Stanford H.
49	04/15/2013	Service-Return/Acknowledgement Converted DOC ID: RAS, Comments:	RETURN AND ACKNOWLEDGMENT OF SERVICE (SRVD NOTICE OF TAKING DEPOSITION UPON ORAL EXAMINATION, SUBPOENA DUCES TECUM ON MITSUNAGA & ASSOCIATES ON 4/15/13)	All Case Parties	Masui, Stanford H.

50	04/22/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Masui, Stanford H.
51	04/22/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Masui, Stanford H.
52	04/22/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Masui, Stanford H.
53	04/22/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Masui, Stanford H.
54	04/23/2013	Document Converted DOC ID: , Comments: FROM STANFORD H MASUI, AND FOR SANCTIONS; MEMORANDUM IN SUPPORT OF MOTION; DECLARATION OF SHERI J TANAKA; EXHIBITS A-E; NOTICE OF HEARING AND C/S	DEFENDANT MITSUNAGA & ASSOCIATES INC'S MOTION TO COMPEL RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS FROM PLAINTIFFS STANFORD H MASUI AND DORETTA L MASUI AND RESPONSES TO INTERROGATORIES	All Case Parties	Tanaka, Sheri Jean
55	04/25/2013	Document Converted DOC ID: , Comments: AGAINST DEFTS LAUREL J MAU, EDGAR KAMAKA, DEMETRIO CONSTANTINO DBA DYC ELECTRICAL SERVICES, LLC, TJJJ CORP, DBA AIR FLOW SYSTEM, RANDALL PHAN, INDIVIDUALLY AND AS AGENT, SERVANT OR	DEFTS LAUREL MAU, EDGAR KAMAKA, TJJJ CORP, DBA AIR FLOW SYSTEM, RANDALL PHAN, WILLIAM WONG AND JENKEN ARCHITECTURE'S ANSWER TO DEFT MITSUNAGA & ASSOCIATES, INC'S CROSS-CLAIMS	All Case Parties	Osaki, Carl H.
56	04/25/2013	Document Converted DOC ID: , Comments:	REPRESENTATIVE OF TJJJ CORP, WILLIAM WONG, AND JENKEN ARCHITECTURE, FILED MARCH 19, 2013; C/S	All Case Parties	Osaki, Carl H.
57	05/02/2013	Document Converted DOC ID: , Comments: PROTECTIVE ORDER; EX A TO EX F; NOTICE OF HEARING;C/S	PLTFS' STANFORD H MASUI AND DORETTA L MASUI, INDIVIDUALLY AND AS TRUSTEE, DORETTA L MASUI TRUST, MOTION FOR PROTECTIVE ORDER; DECLARATION OF STANFORD MASUI IN SUPPORT OF MOTION FOR	All Case Parties	Masui, Erin
58	05/03/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Tanaka, Sheri Jean

59	05/03/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Tanaka, Sheri Jean
60	05/07/2013	Document Converted DOC ID: , Comments:	PLTFS' MTN FOR A SECOND AMENDED COMPLAINT FILED ON 2/24/12; DECLARATION OF STANFORD H MASUI, MEMO IN SUPPORT OF PLTFS' SECOND MTN TO AMEND COMPLAINT; EXH A; NOTICE OF NON-HRG MTN; C/S	All Case Parties	Masui, Stanford H.
61	05/07/2013	Document Converted DOC ID: , Comments: ORDER GRANTING PLTFS' STANFORD H MASUI & DORETTA L MASUI, INDIVIDUALLY, & AS TSTEE, DORETTA L MASUI TRUST, EX PARTE MTN FOR EXTENSION OF TIME TO FILE PRETRIAL STATEMENT; C/S	(RECD) PLTFS' STANFORD H MASUI & DORETTA L MASUI, INDIVIDUALLY, & AS TSTEE, DORETTA L MASUI TRUST, EXPARTE MTN FOR EXTENSION OF TIME TO FILE PRE-TRIAL STATEMENT; DECLARATIO OF ERIN B J H MASUI;	All Case Parties	Masui, Stanford H.
62	05/16/2013	Document Converted DOC ID: , Comments: B J H MASUI; ORDER GRANTING PLTFS' STANFORD H MASUI AND DORETTA L MASUI, INDIVIDUALLY, AND AS TRUSTEE, DORETTA L MASUI TRUST, EX PARTE MOTION FOR EXTENSION OF TIME TO FILE PRETRIAL STATEMENT;	PLTF'S STANFORD H MASUI AND DORETTA L MASUI, INDIVIDUALLY, AND AS TRUSTEE, DORETTA L MASUI TRUST, EXPARTE MOTION FOR EXTENSION OF TIME TO FILE PRE-TRIAL STATEMENT; DECLARATION OF ERIN	All Case Parties	Masui, Stanford H.
63	05/16/2013	Document Converted DOC ID: , Comments:	C/S	All Case Parties	Masui, Stanford H.
64	05/16/2013	Document Converted DOC ID: , Comments: COMPLAINT; EX A; NOTICE OF NON-HEARING MOTION; C/S; EX B	AMENDED CERTIFICATE OF SERVICE FOR PLTFS' MOTION FOR A SECOND AMENDED COMPLAINT FILED ON 2/24/12; DECLARATION OF STANFORD H MASUI, MEMORANDUM IN SUPPORT OF PLTFS' SECOND MOTION TO AMEND	All Case Parties	Masui, Stanford H.



65	05/16/2013	Document Converted DOC ID: , Comments: KNOWLTON; EXHS A-C; NOTICE OF NON- HEARING PETITION; C/S	SPECIALY APPEARING DEFTS DEMETRIO CONSTANTINO AND DYC ELECTRICAL SERVICES, LLC'S PETITION FOR DETERMINATION OF GOOD FAITH SETTLEMENT; MEMORANDUM IN SUPPORT OF PETITION; DECLARATION OF DOUGLAS H	All Case Parties	Knowlton, Douglas H.
66	05/16/2013	Document Converted DOC ID: , Comments:	AMENDED CERTIFICATE OF SERVICE	All Case Parties	Knowlton, Douglas H.
67	05/20/2013	Document Converted DOC ID: , Comments:	DEFT MITSUNAGA & ASSOCIATES, INC'S MEMORANDUM IN OPPOSITION TO PLTFS' MOTION FOR A SECOND AMENDED COMPLAINT; DECLARATION OF TERRI ANN OTANI; DECLARATION OF SHERI J TANAKA; AND C/S	All Case Parties	Tanaka, Sheri Jean
68	05/20/2013	Document Converted DOC ID: , Comments:	DEFT MITSUNAGA & ASSOCIATES, INC'S AMENDED NOTICE OF TAKING DEPOSITION UPON ORAL EXAMINATION OF DORETTA L MASUI	All Case Parties	Tanaka, Sheri Jean
69	05/20/2013	Document Converted DOC ID: , Comments:	DEFT MITSUNAGA & ASSOCIATES, INC'S AMENDED NOTICE OF TAKING DEPOSITION UPON ORAL EXAMINATION OF STANFORD H MASUI	All Case Parties	Tanaka, Sheri Jean
70	05/21/2013	Document Converted DOC ID: , Comments: PLTFS STANFORD H MASUI AND DORETTA L MASUI AND RESPONSES TO INTERROGATORIES FROM STANFORD H MASUI AND FOR SANCTIONS; DECLARATION OF STANFORD H MASUI; EX 1-6; C/S	PLTFS' STANFORD H MASUI, AND DORETTA L MASUI'S MEMORANDUM IN OPPOSITION TO DEFT MITSUNAGA & ASSOCIATES, INC'S MOTION TO COMPEL RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS FROM	All Case Parties	Masui, Stanford H.
71	05/21/2013	Document Converted DOC ID: , Comments:	CERTIFICATE OF SERVICE	All Case Parties	Masui, Stanford H.
72	05/21/2013	Document Converted DOC ID: , Comments: SETTLEMENT; (NON-HEARING); C/S	PLTFS STANFORD H MASUI AND DORETTA L MASUI'S JOINDER IN SPECIALY APPEARING DEFTS DEMETRIO CONSTANTINO AND DYC ELECTRICAL SERVICES, LLC'S PETITION FOR DETERMINATION OF GOOD FAITH	All Case Parties	Masui, Stanford H.

73	05/21/2013	Document Converted DOC ID: , Comments:	CERTIFICATE OF SERVICE	All Case Parties	Masui, Stanford H.
74	05/21/2013	Document Converted DOC ID: , Comments:	CERTIFICATE OF SERVICE	All Case Parties	Masui, Stanford H.
75	05/21/2013	Document Converted DOC ID: , Comments:	CERTIFICATE OF SERVICE	All Case Parties	Masui, Stanford H.
76	05/21/2013	Document Converted DOC ID: , Comments: K; AND C/S	DEFT MITSUNAGA & ASSOCIATES, INC'S MEMORANDUM IN OPPOSITION TO PLTFS' MOTION FOR PROTECTIVE ORDER; REQUEST FOR ATTORNEY'S FEES IN THE AMOUNT OF \$525; DECLARATION OF SHERI J TANAKA; EXHS A TO	All Case Parties	Tanaka, Sheri Jean
77	05/24/2013	Document Converted DOC ID: , Comments:	MITSUNAGA & ASSOCIATES, INC'S REPLY IN SUPPORT OF MOTION TO COMPEL & REQUEST FOR SANCTIONS; SUPPLEMENTAL DECLARATION OF SHERI J TANAKA; EXHS F TO K; & C/S	All Case Parties	Tanaka, Sheri Jean

224	05/29/2013	<p>Minutes                  ***COURT REPORTER: PAIGE CHRISTIAN*** 9:05 AM:                  COURT CONVENEED                  W/APPEARANCES BEING MADEBY STANFORD MASUI, PRO SE; AND ERIN MASUI FOR PLTFS; AND SHERI TANAKA FOR DEFT MITSUNAGA &amp; ASSOCIATES, INC.                  9:06 AM: DEFT MITSUNAGA &amp; ASSOCIATES, INC.'S MOTION TO COMPEL RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS FROM PLTFS STANFORD H. MASUI AND DORETTA L. MASUI AND RESPONSES TO INTERROGATORIES FROM STANFORD H. MASUI, AND FOR SANCTIONS. ARGUMENT BY MS. TANAKA. 9:07 AM: ARGUMENT BY MR. MASUI. 9:12 AM: COURT MADE ITS FINDINGS AND DENIED SAIDMOTION. MR. MASUI TO PREPARE THE ORDER. 9:13 AM: PLTFS' STANFORD H. MASUI AND DORETTA L.MASUI, INDIVIDUALLY, AND AS TRUSTEE, DORETTA L. MASUI TRUST, MOTION FOR PROTECTIVE ORDER. ARGUMENT BY MR. MASUI. 9:17 AM: ARGUMENT BY MS. TANAKA. 9:20 AM: COURT QUESTIONED MS. TANAKA. 9:21 AM: THE COURT DENIED SAID MOTION AND GRANTED THE REQUEST FOR ATTORNEYS FEES IN THE AMOUNT OF \$525.00. MS. TANAKA TO PREPARE THE ORDER. 9:22 AM: RECESS. 9:23 AM: OFF-THE-RECORD DISCUSSIONS HELD.</p>		All Case Parties	
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225	06/01/2013	<p>Minutes  MINUTE ORDER: JUNE 26, 2013  UPON CONSIDERATION OF THE  WRITTEN SUBMISSIONS,  THE FILES HEREIN, AND THERE  BEING NO OPPOSITION, THE  COURT HEREBY GRANTS (1)  SPECIALLY APPEARING  DEFENDANTS DEMETRIO  CONSTANTINO AND DYC  ELECTRICALSERVICES, LLC'S  PETITION FOR DETERMINATION  OF  GOODFAITH SETTLEMENT; AND  (2) PLAINTIFF STANFORD H.  MASUI AND DORETTA L. MASUI'S  JOINDER IN  SPECIALLY APPEARING  DEFENDANTS DEMETRIO  CONSTANTINO AND DYC  ELECTRICAL SERVICES, LLC'S  PETITION  FOR DETERMINATION OF  GOOD FAITH SETTLEMENT. MR.  KNOWLTON TO PREPARE THE  ORDER. A  COPY OF THIS MINUTE ORDER  WAS TRANSMITTED TO  DOUGLAS H. KNOWLTON,  STANFORD H. MASUI, CARL  OSAKIAND SHERI J. TANAKA,  VIA ATTORNEY COURT JACKET,  ONJUNE 26, 2013.</p>		All Case Parties	
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226	06/01/2013	Minutes MINUTE ORDER: JUNE 28, 2013 UPON CONSIDERATION OF THE WRITTEN SUBMISSIONS, THE ARGUMENTS OF COUNSEL, AND THE FILES HEREIN, THE COURT HEREBY GRANTS PLAINTIFF'S MOTION FOR A SECOND AMENDED COMPLAINT FILED ON FEBRUARY 24, 2012, PURSUANT TO EXHIBIT A, ATTACHED TO PLAINTIFF'S MOTION. MS. MASUI TO PREPARE THE ORDER. A COPY OF THIS MINUTE ORDER WAS TRANSMITTED TO ERIN MASUI, SHERI TANAKA, AND CARL OSAKI, VIA ATTORNEY COURT JACKET, ON JUNE 28, 2013.		All Case Parties	
78	06/10/2013	Document Converted DOC ID: , Comments:	MITSUNAGA & ASSOCIATES, INC'S POSITION STATEMENT REGARDING DEFTS DEMETRIO CONSTANTINO & DYC ELEC- TRICAL SVCS, LLC'S PETITION FOR DETERMINATION OF GOOD FAITH SETTLEMENT; C/S	All Case Parties	Tanaka, Sheri Jean
79	06/10/2013	Pre Trial Statement Converted DOC ID: PTS, Comments:	PLAINTIFF'S STANFORD H MASUI & DORETTA L MASUI'S PRE-TRIAL STATEMENT; C/S	All Case Parties	Masui, Stanford H.
80	06/20/2013	Document Converted DOC ID: , Comments:	ORDER DENYING PLTFS' MOTION FOR PROTECTIVE ORDER FILED 5-2- 13 AND AWARDING DEFT MITSUNAGA & ASSOC'S INC REASONABLE ATTY FEES IN THE AMOUNT OF \$525	All Case Parties	Tanaka, Sheri Jean
81	06/20/2013	Document Converted DOC ID: , Comments:	DEFTS DEMETRIO CONSTANTINO AND DYC ELECTRICAL SERVICES, LLC'S ANSWER TO CROSS-CLAIMS BY DEFTS MITSUNAGA & ASSOCIATES, FILED ON 3-19-13; C/S	All Case Parties	Knowlton, Douglas H.

227	06/20/2013	Minutes (9:00 - 9:15 A.M.) PRESENT WERE: CARL OSAKI (VIA TELEPHONE) FOR DEFT EDGAR KAMAHA AND SHERI TANAKA FOR DEFT MITSUNAGA & ASSOCIATES, INC. INASMUCH AS THE PLTFS/MOVANTS WERE NOT PRESENT, THIS STATUS CONFERENCE WAS TERMINATED AND WILL BE RESET BY THE PLTFS.		All Case Parties	
82	06/25/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Masui, Stanford H.
83	06/25/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Masui, Stanford H.
84	07/12/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Osaki, Carl H.
85	07/12/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Osaki, Carl H.
86	07/12/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Osaki, Carl H.
87	07/12/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Osaki, Carl H.
88	07/12/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Osaki, Carl H.
89	07/12/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Osaki, Carl H.
90	07/12/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Osaki, Carl H.
91	07/31/2013	Document Converted DOC ID: , Comments:	ORDER GRANTING SPECIALLY APPEARING DEFENDANTS DEMETRIO CONSTANTINO AND DYC ELECTRICAL SERVICES LLC'S PETITION FOR DETERMINATION OF GOOD FAITH SETTLEMENT	All Case Parties	Knowlton, Douglas H.
92	08/06/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Osaki, Carl H.



93	08/08/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Osaki, Carl H.
94	08/08/2013	Document Converted DOC ID: , Comments:	TRIAL SETTING STATUS CONFERENCE ORDER OF 8-8-13	All Case Parties	FILED BY COURT, COURT

228	08/08/2013	<p>Minutes                  (9:10 - 9:30 A.M.)                  PRESENT WERE: STANFORD MASUI AND ERIN MASUI FOR PLTF; CARL OSAKI FOR DEFTS EDGAR KAMAKA, TJJJ CORP. ETC., RANDALL PHAN, INDIV. AND AS AGENT, ETC., LAUREL MAU, WILLIAM WONG AND JENKEN ARCHITECTURE; AND SHERI TANAKA FOR DEFT MITSUNAGA &amp; ASSOCIATES, INC. THE COURT WILL APPOINT A DISCOVERY MASTER IN THIS CASE. THE DISCOVERY STAY WILL REMAIN IN PLACE UNTIL THE ORDER APPOINTING DISCOVERY MASTER IS FILED.                  - JURY TRIAL SET FOR THE WEEK OF 10/06/2014. LENGTH OF TRIAL - 5 TO 6 DAYS (PLTF - 3 DAYS, DEFTS 2-3 DAYS.) JURY SELECTION AND TRIAL TO COMMENCE ON MONDAY, 10/06/2014;                  - PARTIES INTEND TO CALL OUT-OF-STATE WITNESSES AND EXPERT WITNESSES;                  - PARTIES ARE AGREEABLE TO MEDIATION; - EARLY SETTLEMENT CONFERENCE SET FOR 04/09/2014 AT 1:30 P.M. SUBMISSION OF CONFIDENTIAL SETTLEMENT CONFERENCE LETTERS REQUIRED; - FINAL SETTLEMENT CONFERENCE/PRETRIAL CONFERENCE SET FOR 08/27/2014 AT 10:30 A.M. SETTLEMENT CONFERENCE STATEMENTS AND UPDATED CONFIDENTIAL SETTLEMENT CONFERENCE LETTERS REQUIRED;                  - SUBSTANTIVE MOTIONS CUTOFF: 08/18/2014;                  - DISCOVERY CUTOFF: 08/07/2014. CLIENTS ARE REQUIRED TO ATTEND THE SETTLEMENT CONFERENCES UNLESS PRIOR</p>		All Case Parties	
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		APPROVAL IS OBTAINED FROM THE COURT. FILE-MARKED COPIES OF THE TRIAL SETTING STATUS CONFERENCE ORDER OF 08/08/2013 WERE PROVIDED TO COUNSEL VIA THEIR ATTORNEY COURT JACKETS.			
95	08/09/2013	Document Converted DOC ID: , Comments:	MISTUSNAGA & ASSOCIATES, INC'S RESPONSIVE PRETRIALSTMT; C/S	All Case Parties	Tanaka, Sheri Jean
96	08/15/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Knowlton, Douglas H.
97	08/20/2013	Document Converted DOC ID: , Comments: 05/07/2013); C/S	ORDER GRANTING PLTFS' STANFORD H MAUI AND DORETTA L MASUI, INDIVIDUALLY AND AS TRUSTEE, DORETTA L MASUI TRUST, MOTION FOR A SECOND AMENDED COMPLAINT FILED ON FEBRUARY 24, 2012 (FILED ON	All Case Parties	Masui, Erin
98	08/26/2013	Service-Return/Acknowledgement Converted DOC ID: RAS, Comments:	RETURN AND ACKNOWLEDGMENT OF SERVICE (SRVD SECOND AMENDED COMPLAINT;ETC ON MITSUNAGA ASSOCIATES)	All Case Parties	Masui, Stanford H.
99	08/28/2013	Document Converted DOC ID: , Comments:	ORDER APPOINTING DISCOVERY MASTER; C/S	All Case Parties	Converted, Other
100	08/30/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Tanaka, Sheri Jean
101	08/30/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Tanaka, Sheri Jean
102	08/30/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Tanaka, Sheri Jean
103	08/30/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Tanaka, Sheri Jean
104	08/30/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Tanaka, Sheri Jean
105	08/30/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Tanaka, Sheri Jean

106	08/30/2013	Document Converted DOC ID: , Comments:	DEFENDANT MITSUNAGA & ASSOCIATES, INC'S SECOND AMENDED NOTICE OF TAKING DEPOSITION UPON ORAL EXAMINATION OF DORETTA L MASUI; C/S	All Case Parties	Tanaka, Sheri Jean
107	08/30/2013	Document Converted DOC ID: , Comments:	DEFENDANT MITSUNAGA & ASSOCIATES, INC'S SECOND AMENDED NOTICE OF TAKING DEPOSITION UPON ORAL EXAMINATION OF STANFORD H MASUI; C/S	All Case Parties	Tanaka, Sheri Jean
108	09/03/2013	Document Converted DOC ID: , Comments: SYSTEM, RANDALL PHAN, INDIVIDUALLY & AS AGENT SERVANT OR REP OF TJJJ CORP; LAUREL J MAU, WILLIAM WONG, & JENKEN ARCHITECTURE; SUMMONS & C/S	DEFT MITSUNAGA & ASSOCIATES, INC'S ANSWER TO THE SECOND AMENDED COMPLAINT FILED 8/2/13; DEFT MITSUNAGA & ASSOCIATES, INC'S CROSS-CLAIM AGAINST DEFTS EDGAR KAMAKA, TJJJ CORP, DBA AIR FLOW	All Case Parties	Tanaka, Sheri Jean
109	09/06/2013	Document Converted DOC ID: , Comments:	DEFT MITSUNAGA & ASSOCIATES, INC'S THIRD AMENDED NOTICE OF TAKING DEPOSITION UPON ORAL EXAM OF DORETTA L MASUI; C/S	All Case Parties	Tanaka, Sheri Jean
110	09/06/2013	Document Converted DOC ID: , Comments:	DEFT MITSUNAGA & ASSOCIATES, INC'S THIRD AMENDED NOTICE OF TAKING DEPOSITION UPON ORAL EXAM OF STANFORD H MASUI; C/S	All Case Parties	Tanaka, Sheri Jean
111	09/13/2013	Document Converted DOC ID: , Comments:	PLAINTIFFS STANFORD H MASUI AND DORETTA L MASUI'S SUPPLEMENTAL PRE-TRIAL STATEMENT; C/S	All Case Parties	Masui, Stanford H.
112	09/24/2013	Document Converted DOC ID: , Comments: INDIVIDUALLY AND AS AGENT, SERVANT OR REPRESENTATIVE OF TJJJ CORP., LAUREL J MAU, WILLIAM WONG, AND JENKEN ARCHITECTURE, FILED 9/3/13; C/S	DEFTS TJJJ CORP, DBA AIR FLOW SYSTEM AND RANDALL PHAN'S ANSWER TO DEFT MITSUNAGA & ASSOCIATES, INC'S CROSS-CLAIMS AGAINST DEFTS EDGAR KAMAKA, TJJJ CORP, DBA AIR FLOW SYSTEM, RANDALL PHAN,	All Case Parties	Osaki, Carl H.

113	09/24/2013	Document Converted DOC ID: , Comments: OR REPRESENTATIVE OF TJJJ CORP., LAUREL J MAU, WILLIAM WONG, AND JENKEN ARCHITECTURE, FILED 9/3/13; C/S	DEFT LAUREL MAU' ANSWER TO DEFT MITSUNAGA & ASSOCIATES, INC'S CROSS-CLAIMS AGAINST DEFTS EDGAR KAMAKA, TJJJ CORP, DBA AIR FLOW SYSTEM, RANDALL PHAN, INDIVIDUALLY AND AS AGENT, SERVANT	All Case Parties	Osaki, Carl H.
114	09/24/2013	Document Converted DOC ID: , Comments: OR REPRESENTATIVE OF TJJJ CORP., LAUREL J MAU, WILLIAM WONG, AND JENKEN ARCHITECTURE, FILED 9/3/13; C/S	DEFT EDGAR KAMAKA' ANSWER TO DEFT MITSUNAGA & ASSOCIATES, INC'S CROSS-CLAIMS AGAINST DEFTS EDGAR KAMAKA, TJJJ CORP, DBA AIR FLOW SYSTEM, RANDALL PHAN, INDIVIDUALLY AND AS AGENT, SERVANT	All Case Parties	Osaki, Carl H.
115	09/24/2013	Document Converted DOC ID: , Comments: INDIVIDUALLY AND AS AGENT, SERVANT OR REPRESENTATIVE OF TJJJ CORP., LAUREL J MAU, WILLIAM WONG, AND JENKEN ARCHITECTURE, FILED 9/3/13; C/S	DEFTS WILLIAM WONG AND JENKEN ARCHITECTURE'S ANSWER TO DEFT MITSUNAGA & ASSOCIATES, INC'S CROSS-CLAIMS AGAINST DEFTS EDGAR KAMAKA, TJJJ CORP, DBA AIR FLOW SYSTEM, RANDALL PHAN,	All Case Parties	Osaki, Carl H.
116	09/26/2013	Document Converted DOC ID: , Comments:	DEFT LAUREL MAU' ANSWER TO SECOND AMENDED COMPLAINT, FILED 8/2/13; C/S	All Case Parties	Osaki, Carl H.
117	09/26/2013	Document Converted DOC ID: , Comments:	DEFT EDGAR KAMAKA'S ANSWER TO SECOND AMENDED COMPLAINT, FILED 8/2/13; C/S	All Case Parties	Osaki, Carl H.
118	09/26/2013	Document Converted DOC ID: , Comments:	DEFT TJJJ CORP DBA AIR FLOW SYSTEM AND RANDALL PHAN, INDIVIDUALLY AND AS AGENT, SERVANT OR REPRESENTATIVE OF TJJJ CORP'S ANSWER TO SECOND AMENDED COMPLAINT, FILED 8/2/13; C/S	All Case Parties	Osaki, Carl H.
119	09/26/2013	Document Converted DOC ID: , Comments:	DEFTS WILLIAM WONG AND JENKEN ARCHITECT'S ANSWER TO SECOND AMENDED COMPLAINT, FILED 8/2/13; C/S	All Case Parties	Osaki, Carl H.
120	10/02/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Osaki, Carl H.
121	10/02/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Osaki, Carl H.

122	10/02/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Osaki, Carl H.
123	10/02/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Osaki, Carl H.
124	10/02/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Osaki, Carl H.
125	10/02/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Osaki, Carl H.
126	10/24/2013	Document Converted DOC ID: , Comments: RESPONSIVE PRETRIAL STATEMENT; C/S	DEFTS EDGAR KAMAKA, TJJJ CORP, DBA AIR FLOW SYSTEM, RANDALL PHAN, INDIVIDUALLY AND AS AGENT, SERVANT OR REPRESENTATIVE OF TJJJ CORP., LAUREL MAU, WILLIAM WONG AND JENKEN ARCHITECTURE'S	All Case Parties	Osaki, Carl H.
127	10/31/2013	Document Converted DOC ID: , Comments:	PLTFS' NOTICE OF OBJECTION AND RESERVATION OF RIGHTS RE: DISCOVERY MASTER ORDER NO 4; EXHIBIT "A"; C/S	All Case Parties	Masui, Erin
128	11/04/2013	Document Converted DOC ID: , Comments:	CERTIFICATE OF SERVICE	All Case Parties	Masui, Erin
129	11/04/2013	Document Converted DOC ID: , Comments:	LETTER OF TRANSMITTAL TO CLERK OF THE FIRST CIRCUIT COURT DATED OCTOBER 29, 2013 FROM ERIN B J H MASUI	All Case Parties	Converted, Other
130	11/08/2013	Document Converted DOC ID: , Comments:	DEFT MITSUNAGA & ASSOCIATES, INC'S NOTICE OF TAKING DEPOSITION UPON ORAL EXAMINATION OF EDGAR KAMAKA; C/S	All Case Parties	Tanaka, Sheri Jean
131	11/08/2013	Document Converted DOC ID: , Comments:	DEFT MITSUNAGA & ASSOCIATES, INC'S NOTICE OF TAKING DEPOSITION UPON ORAL EXAMINATION OF WILLIAM WONG; C/S	All Case Parties	Tanaka, Sheri Jean
132	11/08/2013	Document Converted DOC ID: , Comments:	DEFT MITSUNAGA & ASSOCIATES INC'S NOTICE OF TAKING DEPOSITION UPON ORAL EXAMINATION OF RANDALL PHAN; C/S	All Case Parties	Tanaka, Sheri Jean
133	11/08/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Masui, Stanford H.



134	11/08/2013	Document Converted DOC ID: , Comments:	LETTER OF TRANSMITTAL FROM ERIN B J H MASUI TO CLERK OF THE FIRST CIRCUIT COURT DATED 11/5/13	All Case Parties	Converted, Other
135	11/21/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Osaki, Carl H.
136	11/21/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Osaki, Carl H.
137	11/21/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Osaki, Carl H.
138	11/21/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Osaki, Carl H.
139	12/23/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Tanaka, Sheri Jean
140	12/23/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Tanaka, Sheri Jean
141	12/26/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Masui, Stanford H.
142	12/26/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Masui, Stanford H.
143	12/26/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Masui, Stanford H.
144	12/26/2013	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Masui, Stanford H.
145	02/07/2014	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Tanaka, Sheri Jean
146	02/07/2014	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Tanaka, Sheri Jean
147	02/07/2014	Document Converted DOC ID: , Comments:	DEFT MITSUNAGA & ASSOCIATES, INC'S AMENDED NOTICE OF TAKING DEPOSITION UPON ORAL EXAMINATION OF RANDALL PHAN; C/S	All Case Parties	Tanaka, Sheri Jean

148	02/07/2014	Document Converted DOC ID: , Comments:	DEFT MITSUNAGA & ASSOCIATES, INC'S AMENDED NOTICE OF TAKING DEPOSITION UPON ORAL EXAMINATION OF WILLIAM WONG; C/S	All Case Parties	Tanaka, Sheri Jean
149	02/07/2014	Document Converted DOC ID: , Comments:	DEFT MITSUNAA & ASSOCIATES, INC'S AMENDED NOTICE OF TAKING DEPOSITION UPON ORAL EXAMINATION OF EDGAR KAMAKA; C/S	All Case Parties	Tanaka, Sheri Jean
150	02/12/2014	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Osaki, Carl H.
151	02/12/2014	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Osaki, Carl H.
152	02/21/2014	Document Converted DOC ID: AMCOS, Comments:	AMENDED CERTIFICATE OF SERVICE FOR NOTICE OF TAKING DEPOSITION OF 30(B)(6) UPON ORAL EXAMINATION	All Case Parties	Masui, Stanford H.
153	02/28/2014	Document Converted DOC ID: , Comments:	NOTICE OF TAKING DEPOSITION UPON ORAL EXAMINATION PURSUANT TO HAWAII RULES OF CIVIL PROCEDURE RULE 30(B)(2); C/S	All Case Parties	Osaki, Carl H.
154	03/20/2014	Document Converted DOC ID: , Comments:	PLTFS' NOTICE OF OBJECTION AND RESERVATION OF RIGHTS RE: DISCOVERY MASTER ORDER NO 11; EXHIBITS "A", "B"; C/S	All Case Parties	Masui, Erin
155	03/31/2014	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Masui, Stanford H.
156	03/31/2014	Document Converted DOC ID: , Comments:	PLTFS' SUPPLEMENT TO NOTICE OF OBJECTION AND RESERVATION OF RIGHTS RE: DISCOVERY MASTER ORDER NO 11; EXH A, B; C/S	All Case Parties	Masui, Stanford H.
157	03/31/2014	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Masui, Stanford H.
158	03/31/2014	Document Converted DOC ID: , Comments:	LETTER TO CLERK OF THE FIRST CIRCUIT COURT DATED 3/27/14 FROM STANFORD H MASUI	All Case Parties	Masui, Stanford H.
159	03/31/2014	Document Converted DOC ID: , Comments:	LETTER TO CLERK OF THE FIRST CIRCUIT COURT DATED 3/27/14 FROM STANFORD H MASUI	All Case Parties	Masui, Stanford H.

160	04/02/2014	Document Converted DOC ID: , Comments:	DEFENDANT MITSUNAGA & ASSOCIATES, INC'S MEMO IN OPPOSITION TO PLTFS' EX-PARTE MOTION TO CONTINUE SETTLEMENT CONFERENCE; C/S	All Case Parties	Tanaka, Sheri Jean
161	04/02/2014	Document Converted DOC ID: , Comments:	NOTICE OF TAKING DEPOSITION UPON WRITTEN QUESTIONS; QUESTIONS; EXH A; C/S	All Case Parties	Osaki, Carl H.
162	04/02/2014	Subpoena Duces Tecum Converted DOC ID: SDT, Comments:	SUBPOENA DUCES TECUM [C/R TERRITORIAL SAVINGS BANK] (ORIG RETD 9/2/14, SRVD 4/3/14)	All Case Parties	Osaki, Carl H.
163	04/02/2014	Document Converted DOC ID: , Comments: MASUI, PROPOSED ORDER GRANTING EX-PARTE MOTION TO CONTINUE SETTLEMENT CONFERENCE, EX A, C/S	(RECEIVED) PLAINTIFFS' STANFORD H MASUI & DORETTA L MASUI, INDIVIDUALLY, & AS TRUSTEE, DORETTA L MASUI TRUST, EX-PARTE MOTION TO CONTINUE SETTLEMENT CONFERENCE; DECLARATION OF STANFORD H	All Case Parties	Masui, Stanford H.
164	04/03/2014	Document Converted DOC ID: , Comments: THEM BY DEFT MITSUNAGA & ASSOCIATES, INC; MEMO IN SUPPORT OF MTN; AFFIDAVIT OF CARL H OSAKI; EXHS A-I; NOTICE OF HRG OF MTN; C/S	DEFTS EDGAR KAMAKA, WILLIAM WONG, JENKEN ARCHITECTURE LLC, RANDAL PHAN AND TJJJ CORPORATION DBA AIR FLOW SYSTEM'S MTN FOR PARTIAL SUMMARY JUDGMENT AS TO THE CROSS-CLAIM ASSERTED AGAINST	All Case Parties	Osaki, Carl H.
229	04/09/2014	Minutes MINUTE ORDER: APRIL 9, 2014 BASED UPON THE EX PARTE MOTION TO CONTINUE THIS EARLY SETTLEMENT CONFERENCE, THIS MATTER IS TAKEN OFF THE COURT'S CALENDAR. MR. MASUI TO CONTACT THE COURT WITHIN TWO WEEKS WITH AN AGREED UPON DATE FOR EARLY SETTLEMENT CONFERENCE. A COPY OF THIS MINUTE ORDER WAS TRANSMITTED TO STANFORD MASUI, CARL OSAKI, AND SHERI TANAKA VIA ATTORNEY COURT JACKET.		All Case Parties	
165	04/16/2014	Document Converted DOC ID: , Comments:	PLTFS STANFORD H MASUI & DORETTA L MASUI'S SECOND SUPPLEMENTAL PRE-TRIAL STATEMENT; C/S	All Case Parties	Masui, Stanford H.

166	04/29/2014	Document Converted DOC ID: , Comments: SUMMARY JUDGMENT; DECLARATION OF SHERI J TANAKA; EXHIBITS 1 TO 10; AND C/S	DEFENDANT MITSUNAGA & ASSOCIATES INC'S MEMORANDUM IN OPPOSITION TO DEFENDANTS EDGAR KAMAKA, WILLIAM WONG, JENKEN ARCHITECTURE LLC, RANDALL PHAN AND TJJJ CORP DBA AIR FLOW SYSTEM'S MOTION FOR PARTIAL	All Case Parties	Tanaka, Sheri Jean
167	04/30/2014	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Tanaka, Sheri Jean
168	05/02/2014	Document Converted DOC ID: , Comments: JDGMT AS TO THE CROSS-CLAIM ASSERTED AGAINST THEM BY DEFT MITSUNAGA & ASSOCIATES INC; C/S	PLTFS STANFORD H MASUI & DORETTA L MASUI'S STMT OF NO POSITION RE DEFTS EDGAR KAMAKA, WILLIAM WONG, JENKEN ARCHITECTURE LLC, RANDAL PHAN & TJJJ CORP DBA AIR FLOW SYSTEM'S MTN FOR PARTIAL SUMMARY	All Case Parties	Masui, Stanford H.
169	05/02/2014	Document Converted DOC ID: , Comments: AGAINST THEM BY DEFT MITSUNAGA & ASSOCIATES, INC FILED 4/3/14; C/S	DEFTS EDGAR KAMAKA, WILLIAM WONG, JENKEN ARCHITECTURE LLC, RANDAL PHAN & TJJJ CORP DBA AIR FLOW SYSTEMS' REPLY MEMO RE MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO THE CROSS-CLAIM ASSERTED	All Case Parties	Osaki, Carl H.
170	05/07/2014	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Osaki, Carl H.
230	05/07/2014	Minutes ***COURT REPORTER: LESLIE TAKEDA*** (10:52 - 10:56 A.M.) CASE CALLED. PRESENT WERE: CARL OSAKI FOR DEFTS EDGAR KAMAKA, TJJJ CORP. ETC., RANDALL PHAN, INDIV. AND AS AGENT, ETC., LAUREL MAU, WILLIAM WONG AND JENKEN ARCHITECTURE AND SHERI TANAKA FOR DEFT MITSUNAGA & ASSOCIATES, INC. ARGUMENTS BY MR. OSAKI AND MS. TANAKA. THE COURT DENIED THE MOTION WITHOUT PREJUDICE. MS. TANAKA TO PREPARE THE ORDER.		All Case Parties	

171	05/13/2014	Notice of Taking Deposition Converted DOC ID: NTDO, Comments:	NOTICE OF TAKING DEPOSITION UPON ORAL EXAMINATION;C/S	All Case Parties	Osaki, Carl H.
172	05/30/2014	Document Converted DOC ID: , Comments: THEM BY DEFT MITSUNAGA & ASSOCIATES, INC	ORDER DENYING DEFTS EDGAR KAMAKA, WILLIAM WONG, JENKEN ARCHITECTURE LLC, RANDAL PHAN & TJJJ CORP DBA AIR FLOW SYSTEM'S MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO THE CROSS-CLAIM ASSERTED AGAINST	All Case Parties	Tanaka, Sheri Jean
173	05/30/2014	Document Converted DOC ID: , Comments: MOTION & C/S	DEFENDANT MITSUNAGA & ASSOCIATES, INC'S MOTION TO DISQUALIFY STANFORD H MASUI AS TRIAL COUNSEL FOR PLTFS; MEMO IN SUPPORT OF MOTION; DECLARATION OF SHERI J TANAKA; EXHS A TO O; NOTICE OF HEARING OF	All Case Parties	Tanaka, Sheri Jean
174	06/06/2014	Document Converted DOC ID: , Comments:	PLTFS STANFORD H MASUI AND DORETTA L MASUI'S FINALNAMING OF WITNESSES; C/S	All Case Parties	Masui, Stanford H.
175	06/13/2014	Notice of Taking Deposition Converted DOC ID: NTDO, Comments:	DEFT MITSUNAGA & ASSOCIATES, INC'S NOTICE OF TAKING DEPOSITION UPON ORAL EXAM OF LAUREL J MAU; C/S	All Case Parties	Tanaka, Sheri Jean
176	06/19/2014	Document Converted DOC ID: , Comments:	AMENDED NOTICE OF TAKING DEPOSITION UPON ORAL EXAMINATION; C/S	All Case Parties	Osaki, Carl H.
177	06/23/2014	Document Converted DOC ID: , Comments: EX. A-C; C/S	PLTFS' OPPOSITION TO DEFT MITSUNAGA & ASSOCIATES, INC'S MOTION TO DISQUALIFY STANFORD H MASUI AS TRIAL CONUNSEL FOR PLTFS; MEMO IN SUPPORT OF OPPOSITION; DECLARATION OF STANFORD H MASUI	All Case Parties	Masui, Stanford H.
178	06/23/2014	Document Converted DOC ID: , Comments: STANFORD H MASUI AS TRIAL COUNSEL FOR PLTFS" (FILED 5/30/14); AFFIDAVIT OF CARL H OSAKI; EXHS "A"- "E"; C/S	DEFTS EDGAR KAMAKA LAUREL MAU, WILLIAM WONG, JENKEN ARCHITECTURE LLC, RANDAL PHAN AND TJJJ CORP DBA AIR FLOW SYSTEM'S MEMO RE "DEFT MITSUNAGA & ASSOCIATES, INC'S MOTION TO DISQUALIFY	All Case Parties	Osaki, Carl H.
179	06/27/2014	Document Converted DOC ID: , Comments:	DEFT MITSUNAGA & ASSOC, INC'S REPLY IN SUPPORT OF MOTION TO DISQUALIFY STANFORD H MASUI AS TRIAL COUNSEL FOR PLTFS; DECLARATION OF SHERI J TANAKA; EXHS P TO Q; & C/S	All Case Parties	Tanaka, Sheri Jean

231	07/02/2014	<p>Minutes                  ***COURT REPORTER: MARI-JO DAVIDSON*** (10:00 - 10:14 A.M.)                  CASE CALLED. PRESENT WERE: STANFORD MASUI AND ERIN MASUI FOR PLTFs; CARL OSAKI FOR DEFTS EDGAR KAMAKA, TIJJ CORP. ETC., RANDALL PHAN, INDIV. AND AS AGENT, ETC., LAUREL MAU, WILLIAM WONG AND JENKEN ARCHITECTURE; AND SHERI TANAKA FOR DEFT MITSUNAGA &amp; ASSOCIATES, INC. ARGUMENTS BY MR. MASUI, MR. OSAKI, AND MS. TANAKA.                  THE COURT TOOK THE MATTER UNDER ADVISEMENT. MINUTE ORDER TO BE ISSUED. * * * * *</p> <p>* * * * * MINUTE ORDER:                  JULY 8, 2014 UPON CONSIDERATION OF THE WRITTEN SUBMISSIONS, THE FILES HEREIN, AND THE ARGUMENTS MADE BY COUNSEL, THE COURT HEREBY GRANTS DEFENDANT MITSUNAGA &amp; ASSOCIATES, INC.'S MOTION TO DISQUALIFY STANFORD H. MASUI AS TRIAL COUNSEL FOR PLAINTIFFS. THE COURT'S RULING IS LIMITED TO THE TIME OF TRIAL. MR. MASUI MAY PARTICIPATE IN ALL DISCOVERY MATTERS AND PRE-TRIAL MATTERS UNTIL THE TIME OF TRIAL. MS. TANAKA TO PREPARE THE ORDER. A COPY OF THIS MINUTE ORDER WAS TRANSMITTED TO STANFORD H. MASUI, CARL H. OSAKI AND SHERI J. TANAKA VIA U.S. MAIL, ON JULY 9, 2014.</p>		All Case Parties	
180	07/07/2014	<p>Document                  Converted                  DOC ID: , Comments:</p>	<p>NOTICE OF DEPOSITION UPON WRITTEN INTERROGATORIES;SUBPOENA DUCES TECUM; C/S</p>	All Case Parties	Masui, Erin



181	07/07/2014	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Masui, Erin
182	07/07/2014	Subpoena Duces Tecum Converted DOC ID: SDT, Comments:	SUBPOENA DUCES TECUM; C/S (C/R CITY COUNTY OF HONOLULU, DEPT OF PLANNING AND PERMITTING) (RETND 7/14/14 UNSVD)	All Case Parties	Masui, Erin
183	07/08/2014	Document Converted DOC ID: , Comments: FINAL NAMING OF WITNESSES; C/S	DEFTS EDGAR KAMAKA, TJJJ CORP, DBA AIR FLOW SYSTEM, RANDALL PHYAN, INDIVIDUALLY AND AS AGENT, SERVANT OR REPRESENTATIVE OF TJJJ CORP, LAUREL MAU, WILLIAM WONG AND JENKEN ARCHITECTURE'S	All Case Parties	Osaki, Carl H.
184	07/08/2014	Document Converted DOC ID: , Comments:	CERTIFICATE OF SERVICE	All Case Parties	Osaki, Carl H.
185	07/08/2014	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Tanaka, Sheri Jean
186	07/10/2014	Document Converted DOC ID: , Comments:	DEFT MITSUNAGA & ASSOCIATES, INC'S FINAL NAMING OF WITNESSES; C/S	All Case Parties	Tanaka, Sheri Jean
187	07/14/2014	Service-Return/Acknowledgement Converted DOC ID: RAS, Comments:	RETURN AND ACKNOWLEDGMENT OF SERVICE	All Case Parties	Masui, Stanford H.
188	07/15/2014	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE FOR PLTF STANFORD H MASUI & DORETTA L MASUI'S 5TH REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFT MITSUNAGA & ASSOCIATES PREVIOUSLY MISNUMBERED AS "4TH", EX A	All Case Parties	Masui, Stanford H.
189	07/28/2014	Notice of Taking Deposition Converted DOC ID: NTDO, Comments:	NOTICE OF TAKING DEPOSITION UPON ORAL EXAMINATION PURSUANT TO HAWAII RULES OF CIVIL PROCEDURE RULE 30(B)(2); C/S (CHRIS LOO)	All Case Parties	Osaki, Carl H.
190	07/28/2014	Notice of Taking Deposition Converted DOC ID: NTDW, Comments:	NOTICE OF TAKING DEPOSITION UPON WRITTEN QUESTIONS; QUESTIONS; EXH A; C/S (LAW OFFICE OF SHERI J TANAKA)	All Case Parties	Osaki, Carl H.
191	07/28/2014	Subpoena Duces Tecum Converted DOC ID: SDT, Comments:	SUBPOENA DUCES TECUM [C/R LAW OFFICE OF SHERI J TANAKA) (SRVD 8/1/14)	All Case Parties	Osaki, Carl H.
192	07/28/2014	Notice of Taking Deposition Converted DOC ID: NTDW, Comments:	NOTICE OF TAKING DEPOSITION UPON WRITTEN QUESTIONS; QUESTIONS; EXH A; C/S (FIRST HAWAIIAN BANK)	All Case Parties	Osaki, Carl H.

193	07/28/2014	Subpoena Duces Tecum Converted DOC ID: SDT, Comments:	SUBPOENA DUCES TECUM: C/R FIRST HAWAIIAN BANK (SRVD 7/29/14)	All Case Parties	Osaki, Carl H.
194	07/28/2014	Notice of Taking Deposition Converted DOC ID: NTDW, Comments:	NOTICE OF TAKING DEPOSITION UPON WRITTEN QUESTIONS; QUESTIONS; EXH A; C/S (BANK OF HAWAII)	All Case Parties	Osaki, Carl H.
195	07/28/2014	Subpoena Duces Tecum Converted DOC ID: SDT, Comments:	SUBPOENA DUCES TECUM: C/R BANK OF HAWAII (SRVD 7/29/14)	All Case Parties	Osaki, Carl H.
196	07/30/2014	Notice of Taking Deposition Converted DOC ID: NTDW, Comments:	NOTICE OF TAKING DEPOSITION UPON WRITTEN QUESTIONS; QUESTIONS; EXHIBIT A; C/S (FIRST HAWAIIAN BANK)	All Case Parties	Osaki, Carl H.
197	07/30/2014	Subpoena Duces Tecum Converted DOC ID: SDT, Comments:	SUBPOENA DUCES TECUM [C/R FIRST HAWAIIAN BANK] (SRVD 7/30/14)	All Case Parties	Osaki, Carl H.
198	08/04/2014	Letter Converted DOC ID: LTR, Comments:	LETTER OF TRANSMITTAL TO CLERK OF THE 1ST CIRCUIT COURT DATED 7/29/14 FROM STANFORD H MASUI	All Case Parties	Masui, Stanford H.
199	08/04/2014	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE FOR NOTICE OF TAKING DEPOSITION UPON ORAL EXAMINATION OF LAUREL MAU [STANFORD H MASUI/ERIN B J H MASUI]	All Case Parties	Masui, Stanford H.
200	08/05/2014	Affidavit Filed Converted DOC ID: AFF, Comments: SHERI J TANAKA ON 8/1/14)	AFFIDAVIT OF LOWEN YOUNG RE: SERVICE OF SUBPOENA DUCES TECUM; EXH A; C/S (C/R OF THE LAW OFFICE OF SHERI J TANAKA) (SRVD SUBPOENA DUCES TECUM ON THE LAW OFFICE OF	All Case Parties	Osaki, Carl H.
201	08/05/2014	Document Converted DOC ID: , Comments: INC)	NOTICE OF TAKING DEPOSITION UPON ORAL EXAMINATION PURSUANT TO RULE 30(B)(6) OF THE HAWAII RULES OF CIVIL PROCEDURE; C/S (RULE 30(B)(6) REPRESENTATIVE OF DEFT MITSUNAGA & ASSOCIATES,	All Case Parties	Osaki, Carl H.
202	08/11/2014	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Osaki, Carl H.
203	08/11/2014	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Osaki, Carl H.
204	08/12/2014	Letter Converted DOC ID: LTR, Comments:	LETTER OF TRANSMITTAL DATED AUGUST 5, 2014 FROM STANFORD H MASUI	All Case Parties	FILED BY COURT, COURT

205	08/12/2014	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Masui, Stanford H.
206	08/12/2014	Document Converted DOC ID: FWIT, Comments:	PLTFS STANFORD H MASUI & DORETTA L MASUI'S SUPPLEMENTAL FINAL NAMING OF WITNESSES; C/S	All Case Parties	Masui, Stanford H.
207	08/14/2014	Certificate of Service Converted DOC ID: CS, Comments:	CERTIFICATE OF SERVICE	All Case Parties	Masui, Stanford H.
208	08/18/2014	Document Converted DOC ID: , Comments: MTN; NOTICE OF HRG OF MTN; C/S	DEFTS LAUREL MAU, WILLIAM WONG & JENKEN ARCHITECTURE'S MTN FOR PARTIAL SUMMARY JUDGMT AS TO ANY ALLEGATION OF BREACH OF THE STANDARD OF CARE OF A DESIGN PROFESSIONAL; MEMO IN SUPPORT OF	All Case Parties	Osaki, Carl H.
209	08/18/2014	Document Converted DOC ID: , Comments:	DEFT LAUREL MAU'S MTN FOR THE APPLICATION OF THE DOCTRINE OF COLLATERAL ESTOPPEL; MEMO IN SUPPORT OF MTN; AFFIDAVIT OF CARL H OSAKI; EXHS A-C; NOTICE OF HRG OF MTN; C/S	All Case Parties	Osaki, Carl H.
210	08/18/2014	Document Converted DOC ID: , Comments: AGAINST THEM BY DEFT MITSUNAGA & ASSOCIATES, INC; MEMO IN SUPPORT OF MTN; AFFIDAVIT OF CARL H OSAKI; EXH A; NOTICE OF HRG OF MTN; C/S	DEFTS EDGAR KAMAKA, WILLIAM WONG, JENKEN ARCHITECTURE, LLC, RANDALL PHAN & TJJJ CORP DBA AIR FLOW SYSTEM'S RENEWED MTN FOR PARTIAL SUMMARY JUDGMT AS TO THE X-CLAIM ASSERTED	All Case Parties	Osaki, Carl H.
211	08/18/2014	Document Converted DOC ID: , Comments:	PLTFS' MTN TO STRIKE DEFT MITSUNAGA & ASSOCIATE'S PRETRIAL STATEMENT & FINAL NAMING OF WITNESSES, EX A TO E, C/S	All Case Parties	Masui, Stanford H.
212	08/18/2014	Document Converted DOC ID: , Comments:	NOTICE OF HRG FOR PLTFS' MTN TO STRIKE DEFT MITSUNAGA & ASSOCIATE'S PRETRIAL STATEMENT & FINAL NAMING OF WITNESSES, C/S	All Case Parties	Masui, Stanford H.
213	08/18/2014	Document Converted DOC ID: , Comments:	DEFT MITSUNAGA & ASSOCIATES, INC'S MTN FOR SUMMARY JUDGMT; MEMO IN SUPPORT OF MTN; DECLAR OF SHERI J TANAKA; EXHS A TO N; NOTICE OF HRG MTN & C/S	All Case Parties	Tanaka, Sheri Jean

232	08/19/2014	<p>Minutes                  ***SETTLEMENT CONFERENCE                  (OFF-THE-RECORD)*** 1:30 -                  5:00 PM                  PRESENT:                  STANFORD MASUI AND ERIN                  MASUI FOR PLTFs; -                  CARL OSAKI FOR DEFTS EDGAR                  KAMAKA, TJJJ CORP. DBA AIR                  FLOW SYSTEM, RANDALL PHAN,                  INDIVIDUALLY                  AND AS AGENT, SERVANT OR                  REPRESENTATIVE OF TJJJ                  CORP., LAUREL MAU, WILLIAM                  WONG AND JENKEN                  ARCHITECTURE; AND                  - SHERI TANAKA FOR DEFT                  MITSUNAGA &amp;                  ASSOCIATES, INC. ALSO                  PRESENT WAS TERRI OTANI,                  REPRESENTATIVE OF DEFT                  MITSUNAGA &amp; ASSOCIATES, INC.                  SETTLEMENT DISCUSSIONS                  HELD.</p> <p>*****                  *****(**AUDIO                  RECORDING***)                  5:04 PM: COURT CONVENED                  W/APPEARANCES BEING MADE                  BY:                  - STANFORD MASUI AND ERIN                  MASUI FOR PLTFs; - CARL                  OSAKI FOR DEFTS EDGAR                  KAMAKA, TJJJ                  CORP. DBA AIR FLOW SYSTEM,                  RANDALL PHAN, INDIVIDUALLY                  AND AS AGENT, SERVANT OR                  REPRESENTATIVE OF                  TJJJ CORP., LAUREL MAU,                  WILLIAM WONG AND JENKEN                  ARCHITECTURE                  - SHERI TANAKA FOR DEFT                  MITSUNAGA &amp; ASSOCIATES, INC.                  ALSO PRESENT WAS TERRI                  OTANI,                  DEFT'S REPRESENTATIVE.                  SETTLEMENT REACHED. TERMS                  OF                  SETTLEMENT PLACED ON THE                  RECORD AND AGREED TO BY                  ALL APPEARING PARTIES.                  COURT TO RETAIN</p>		All Case Parties	
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		JURISDICTION OF THIS MATTER FOR PURPOSES OF ENFORCING THE SETTLEMENT AGREEMENT. STIPULATION FOR DISMISSAL WITH PREJUDICE TO BE FILED BY 10/14/2014. 5:09 PM: RECESS.			
233	08/27/2014	Minutes MINUTE ORDER: AUGUST 18, 2014 DUE TO A CONFLICT IN THE COURT'S SCHEDULE, THESE MATTERS ARE ADVANCED TO 08/19/2014, AT 1:30 P.M. ALL COUNSEL NOTIFIED OF THE ABOVE, VIA TELEPHONE.		All Case Parties	
234	09/17/2014	Minutes MINUTE ORDER: AUGUST 19, 2014 SETTLEMENT PLACED ON THE RECORD ON 08/19/2014. THESE MATTERS ARE THEREFORE TAKEN OFF THE COURT'S CALENDAR.		All Case Parties	
235	09/24/2014	Minutes MINUTE ORDER: AUGUST 19, 2014 SETTLEMENT PLACED ON THE RECORD ON 08/19/2014. THIS MATTER IS THEREFORE TAKEN OFF THE COURT'S CALENDAR.		All Case Parties	
236	10/06/2014	Minutes 08/19/2014: SETTLEMENT PLACED ON THE RECORD WITH JUDGE NACINO. ***** *** 03/03/2015: STIPULATION FOR DISMISSAL WITH PREJUDICE OF ALL CLAIMS AND PARTIES PROCESSED BY THE FIFTEENTH DIVISION.		All Case Parties	
237	10/06/2014	Minutes MINUTE ORDER: AUGUST 19, 2014 SETTLEMENT PLACED ON THE RECORD ON 08/19/2014. THIS MATTER IS THEREFORE TAKEN OFF THE COURT'S CALENDAR.		All Case Parties	

238	12/09/2014	Minutes (1:37 - 2:00 P.M.) PRESENT WERE: STANFORD MASUI FOR PLTFS; CARL OSAKI FOR DEFTS EDGAR KAMAKA, TJJJ CORP. ETC., RANDALL PHAN, INDIV. AND AS AGENT, ETC., LAUREL MAU, WILLIAM WONG AND JENKEN ARCHITECTURE; AND SHERI TANAKA FOR DEFT MITSUNAGA & ASSOCIATES, INC. DISCUSSIONS HELD REGARDING SETTLEMENT.		All Case Parties	
214	03/09/2015	Stipulation to _____ Converted DOC ID: STIP, Comments:	STIPULATION FOR DISMISSAL WITH PREJUDICE OF ALL CLAIMS AND PARTIES	All Case Parties	Masui, Stanford H.
215	04/22/2015	Rqst Access Court Record-HCCR Converted DOC ID: RACR, Comments:	REQUEST TO ACCESS COURT RECORD (HCRR)	All Case Parties	FILED BY COURT, COURT
216	10/29/2015	Rqst Access Court Record-HCCR Converted DOC ID: RACR, Comments:	REQUEST TO ACCESS COURT RECORD (HCRR)	All Case Parties	FILED BY COURT, COURT

# EXHIBIT 3



**From:** "Nakamura, Carol" <CITY AND COUNTY OF HONOLULU/CCHNL/RECIPIENTS/CNAKAMURA>  
**Sent:** 3/11/2014 10:50:03 AM -1000  
**To:** 'Sheri Tanaka' <sheri.tanaka@gmail.com>  
**Subject:** RE: Quick Question

Sheri:

The Office of the Prosecuting Attorney will not comment on ongoing criminal investigations. The Office can neither dictate nor is it responsible for what a "complainant" will or will not do.

Let me know if you have any questions.

**Carol N. Nakamura**

Executive Assistant to the Prosecuting Attorney

Department of the Prosecuting Attorney

City and County of Honolulu

1060 Richards Street, Honolulu, HI 96813

Phone: (808) 768-6539

Mobile: (808) 478-4134

Email: [cnakamura@honolulu.gov](mailto:cnakamura@honolulu.gov)

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**From:** Sheri Tanaka [<mailto:sheri.tanaka@gmail.com>]  
**Sent:** Tuesday, March 11, 2014 9:39 AM  
**To:** Nakamura, Carol  
**Subject:** Quick Question

Dear Ms. Nakamura,

Based upon our conversation yesterday, it is my understanding that the Prosecutor's Officer will not hand out any information regarding any type of ongoing investigation for confidentiality purposes. Likewise, it is inappropriate for the Complainant to hand out any information regarding same for confidentiality purposes. Please advise if this in fact true and correct. Thank you.

EXHIBIT 3



1/2

KM-GJEX-CN-037

Sincerely,  
Sheri Tanaka

Law Office of Sheri J. Tanaka  
1777 Ala Moana Blvd., #142-09  
Honolulu, Hawaii 96815  
Phone #: (808) 276-4942  
Fax #: (808) 748-3165

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# EXHIBIT 4

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

LAUREL J. MAU,	)	CIVIL NO. 12-00468-DKW-BMK
	)	
Plaintiff,	)	Honolulu, Hawaii
	)	July 23, 2014
vs.	)	8:40 a.m.
	)	
mitsunaga & ASSOCIATES,	)	
INC.,	)	
	)	
Defendant.	)	
_____	)	

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TRANSCRIPT OF JURY TRIAL (DAY 8)  
BEFORE THE HONORABLE DERRICK K. WATSON,  
UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

For the Plaintiff:	CARL H. OSAKI Attorney at Law, A Law Corporation Town Tower #17G 225 Queen Street Honolulu, Hawaii 96813
For the Defendant:	MYRON H. TAKEMOTO Takemoto & Shimozono LLC 1130 N. Nimitz Hwy., Ste. B-200B Honolulu, Hawaii 96817
	SHERI J. TANAKA Law Office of Sheri J. Tanaka 1777 Ala Moana Blvd #111-09 Honolulu, Hawaii 96815
Official Court Reporter:	GLORIA T. BEDIAMOL, RPR, RMR, FCRR United States District Court P.O. Box 50131 Honolulu, Hawaii 96850

Proceedings recorded by machine shorthand, transcript produced with computer-aided transcription (CAT).

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I N D E X

<u>WITNESSES:</u>	<u>PAGE NO.</u>
CHAD MC DONALD	
DIRECT EXAMINATION BY MR. TAKEMOTO	6
CROSS-EXAMINATION BY MR. OSAKI	33
	<u>PAGE NO.</u>
PLAINTIFF'S RULE 50 MOTION	49
<u>EXHIBITS:</u>	<u>PAGE NO.</u>
Defendant's Exhibit B was received in evidence	9
Defendant's Exhibit L was received in evidence	11

1 (At 10:02 a.m., the jury was excused, and the  
2 following proceedings were held:)

3 THE COURT: The record should reflect that all eight  
4 jury members have now exited the court for a brief recess, but  
5 the attorneys for both sides as well as party and party  
6 representatives remain.

7 Mr. Osaki, I understand that plaintiff has a motion;  
8 is that correct?

9 MR. TAKEMOTO: Your Honor, before Mr. Osaki starts,  
10 with respect to the conversion claim, he may not address that.  
11 I think based on the evidence, it's clear that the motion  
12 should be granted with respect to the conversion claim.

13 THE COURT: So my understanding then is the defense  
14 agrees to dismiss that claim with prejudice.

15 MR. TAKEMOTO: Yes. Yes, Your Honor.

16 THE COURT: All right.

17 MR. TAKEMOTO: Thank you.

18 THE COURT: That motion is granted.

19 MR. OSAKI: May I proceed, Your Honor?

20 THE COURT: Yes, you may proceed when you are ready.

21 MR. OSAKI: Okay. I'm sorry. Thank you.

22 Plaintiff moves for Rule 50 judgment. On the first  
23 claim of the counterclaim, breach of loyalty, the allegation is  
24 that Ms. Mau breached her duty by working on side jobs in  
25 violation of the employee handbook. We have seen that the

1 employee handbook is a document that is enforced prospective --  
2 not prospectively -- retrospectively and only when MAI desires.  
3 We have seen that the handbook is a document that can be  
4 ignored when the situation or the corporation desires it to be  
5 ignored.

6 We have seen that employees -- for example, Chris  
7 Ball -- do side jobs that are not authorized. His supervisor  
8 Mr. McDonald identified the side jobs he authorized. Mr. Ball  
9 acknowledged working on unauthorized side jobs. He is still  
10 employed, no investigation on him, no discipline, no criticism.  
11 So the handbook is a document that is not enforceable according  
12 to each and every term against Ms. Mau.

13 She had permission to engage in side jobs. That  
14 permission was given by Aaron Fujii. We have seen that other  
15 employees, Mitsunaga's firm's own witnesses, say that they have  
16 obtained authorization from Mr. Fujii as well.

17 The allegation also says that this breach of loyalty  
18 was with individuals directly in competition with Mitsunaga &  
19 Associates, and there is no evidence that Ms. Mau performed  
20 side jobs with individuals and entities that directly compete  
21 with Mitsunaga & Associates at all.

22 The only indication is the report of Kaiemi Shimabuku,  
23 who was actually here the other day but did not testify, who  
24 told Gary Nakatsuka that she saw Laurel Mau at Jenken  
25 Architect. Gary Nakatsuka then told Aaron Fujii what Kaiemi



1 told him, and Aaron Fujii never asked Ms. Mau about that.

2 The testimony of Laurel Mau was that she did not work  
3 for Jenken Architect. The only document was the document that  
4 Laurel prepared for Mr. Wong at Jenken to bill a Jenken  
5 Architect client that wanted to pay while Mr. Wong was out of  
6 state. It does not show direct competition with MAI, and that  
7 is the only piece of testimony that implicates her with an  
8 entity in direct competition of MAI.

9 So that claim in the counterclaim should be dismissed.

10 The second claim for relief is intentional or tortious  
11 interference with prospective economic advantage.

12 In Exhibit 15, which is interrogatories propounded  
13 upon Mitsunaga and answered by it, I asked -- I asked them to  
14 identify the prospective MAI clients that were referenced in  
15 paragraph 19 of the counterclaim, and that paragraph 19 is  
16 under the second count. And asked them to identify these  
17 prospective clients that Ms. Mau allegedly interfered with.  
18 There was no identification of anyone in the answer.

19 All that Mr. Mitsunaga said was after the boilerplate  
20 objection was: "At this time only Ms. Mau knows the full  
21 extent of her deceit, but discovery from Ms. Mau will reveal  
22 all side jobs she engaged in during her employment with MAI and  
23 which of those side jobs involved potential MAI clients that  
24 she took from MAI for her personal benefit."

25 Discovery is ongoing. Mitsunaga actually had the

1 opportunity to take Ms. Mau's deposition. There are no  
2 potential clients of MAI that Ms. Mau could have or allegedly  
3 did interfere with.

4 So judgment should be granted on the second  
5 counterclaim.

6 In the third counterclaim, it's a negligence count.

7 I'm not sure what the duty is. The duty of Ms. Mau to  
8 the corporation that she allegedly, negligently breached. I  
9 believe this one may be with reference to the Masui case, but  
10 in that case Ms. Mau did not do any work. She helped her  
11 brother and sister-in-law draw plans for a ramp for her  
12 brother-in-law's parents, and when it became apparent that the  
13 project was wider, renovation and elevator lift, she exited the  
14 project and brought in a licensed architect, Bill Wong, who  
15 prepared and stamped the plans.

16 There's been -- I guess the implication is that but  
17 for Ms. Mau's involvement, MAI would -- would not have been  
18 sued. And that kind of like a retrospective conclusion. I  
19 mean but for Keith Kalani's involvement in that project, in  
20 which he actually had more of an involvement because he ran  
21 calculations, did MAI get sued from that? No. MAI got sued in  
22 the Masui case because the plaintiffs' attorney in that case  
23 elected to bring in Mitsunaga & Associates, not Laurel Mau.  
24 It's not anything of her negligence that caused that to happen.  
25 It was the purposeful act of an intervening party which is the

1 attorney in the Masui case that caused that.

2 The fifth counterclaim for fraud ought to be dismissed  
3 because this counterclaim alleges that she falsified time  
4 sheets. Other than a generalized statement that the time  
5 records are true and accurate copies of time records that the  
6 Mitsunaga firm maintains, there was no testimony that anything  
7 in it was fraudulent.

8 And to prevail on a claim for fraud, one has to  
9 specify a representation, one has to specify that the  
10 representation was made with the intent to induce reliance, and  
11 that reasonable reliance therefore resulted, and that the  
12 person who acted in reasonable reliance was damaged.

13 And in this case there is no representation identified  
14 by Mitsunaga that was allegedly fraudulent. And fraud cannot  
15 be premised on a vague -- well, the whole thing is fraudulent  
16 because they have to identify what in particular is fraudulent  
17 in order for there to be a defense.

18 And that's important under the Hawaii law because  
19 fraud can't be -- can't be premised on, you know, the hope that  
20 people don't believe the opposing party, because the opposing  
21 party has to know what is allegedly fraudulent. And there is  
22 no particular in any time record presented in that exhibit that  
23 MAI alleges is fraudulent.

24 And the sixth counterclaim for punitive damages ought  
25 to be also dismissed. The punitive damage is premised on it --

1 it can't be premised on the negligence count and has to be  
2 premised on the intentional tort counts, and those tort counts  
3 must be by a clear and convincing evidence of the kind of  
4 conduct that warrants it.

5 And there hasn't been that evidence that anything that  
6 Laurel Mau did or allegedly did was done with the purpose of  
7 hurting or doing anything negative toward her employer. And  
8 nothing that has been elicited in this trial can rise to the  
9 level of outrageous conduct that must be a premise to submit  
10 the question to the jury, much less upon clear and convincing  
11 evidence.

12 And when you absent the counterclaims from this case,  
13 no reasonable jury can conclude otherwise than what was  
14 presented here was a pretext and a retaliation of the Mitsunaga  
15 firm against Laurel Mau for filing this lawsuit. The  
16 retaliation continued till this very morning. And no  
17 reasonable jury can conclude otherwise that her termination was  
18 based on her status as a woman, that Dennis Mitsunaga received  
19 that letter and his reaction caused her firing.

20 THE COURT: All right. Thank you, Mr. Osaki.

21 Mr. Takemoto.

22 MR. TAKEMOTO: Yes, Your Honor.

23 With respect to the tortious interference with  
24 prospective business advantage, I guess that would be the  
25 second claim. In light of the -- the evidence and discussions



1 with counsel, we would agree -- we would -- we would agree to  
2 dismiss that particular charge as well, the tortious  
3 interference with prospective business advantage. So we  
4 withdraw that claim, agree to dismiss with prejudice.

5 THE COURT: Okay. Thank you.

6 MR. TAKEMOTO: The rest, Your Honor --

7 THE COURT: With that representation and offer is  
8 accepted that count for tortious interference is dismissed.  
9 Had you not voluntarily done so, I likely would have for you.

10 MR. TAKEMOTO: Yes. Thank you, Your Honor.

11 The remaining counts, Your Honor, we would submit that  
12 there is sufficient evidence proffered in this case for the  
13 rest of the -- the claims to go to the jury.

14 With respect to the first, which is the breach of the  
15 duty of loyalty, Ms. Mau had a duty of loyalty -- had a duty to  
16 be loyal to her employer yet, she used the company's name, time  
17 and money to perform side jobs without authorization. Counter  
18 to what Mr. Osaki is saying that she had permission, it was  
19 clear on the testimony that she did not have permission, did  
20 not seek permission. Her testimony was she had blanket  
21 permission since a certain period of time.

22 Yet in addition to the other side jobs, she also  
23 worked at Jenken Architecture while she was an employee of --  
24 of MAI. She did numerous side jobs with Jenken Architecture  
25 using MAI's time, money and resources. And as a result of

1 that, MAI was harmed because of her work. Basically she is  
2 claiming essentially that she is working for MAI, yet she is  
3 breaching her duty and working with someone else.

4 Additionally, we would submit that MAI was harmed when  
5 Ms. Mau referred jobs out -- not -- basically she steered jobs  
6 away from MAI and thereby was substantial harm to MAI.  
7 Additionally, jobs that were not brought in by Ms. Mau in which  
8 she did herself, that also caused, you know, a harm to the  
9 company.

10 So based on the evidence that's been set forth, both  
11 in plaintiff's case and in our case, Your Honor, we would  
12 submit that this claim should go to the jury.

13 Likewise, with negligence, the negligence case,  
14 basically what you have is Ms. Mau misusing her position as an  
15 architect and interior designer, and again using the company's  
16 name, time, money and resources to obtain side jobs and used  
17 her name, company equipment in side jobs. She had a duty to  
18 perform her duty -- her obligations as an architect and  
19 interior designer and not to engage in conduct that she knew or  
20 should have known would likely have resulted in harm to MAI.

21 Now, Ms. Mau performed the various side jobs using  
22 MAI's name, time, money and resources without MAI's approval,  
23 authority or consent in violation of the MAI handbook. Ms. Mau  
24 failed to use care as a reasonably prudent and careful person  
25 would use under similar circumstances.

1           She claims she had blanket authority from Aaron Fujii  
2 up to 2008, yet Mr. Fujii was not even in a position of  
3 authority until 2010. She basically ran her own side jobs  
4 without the protection of an LLC, thereby increasing the  
5 potential of liability to MAI. As a result of her negligence  
6 in the involvement in the 1578 Alewa Drive residence, she got  
7 MAI sued and is embroiled in current litigation.

8           Now, as Mr. Osaki basically characterizes it as, Oh,  
9 she just did a few sketches and it was just, you know, for  
10 family, for a favor. Well, she's the one that put the Masuis  
11 in contact with the primary players in this case, in that  
12 particular case. That being she referred William Wong, her not  
13 only friend but co-employee with Jenken Architecture. She,  
14 from what I understand, introduced an unlicensed contractor,  
15 Edgar Kamaka, who was her ex-boyfriend, to the Masuis and who  
16 ended up being the contractor despite being unlicensed. And as  
17 a result of all of this, MAI got sued. In addition to the fact  
18 that she would communicate with the parties in that matter  
19 using her MAI e-mail, and that's the reason MAI is caught up in  
20 the case across the street in state court.

21           So we would submit, Your Honor, that the negligence  
22 claim, there is sufficient evidence to get that count to the  
23 jury has been met.

24           Likewise, with the fraud. And this particularly  
25 pertains to the issues of the time sheets, what she wrote down



1 and what she -- basically what's been represented in there.  
2 Now, MAI relied upon Ms. Mau's representations and paid her  
3 accordingly. The jury could decide that she was not telling  
4 the truth, and the jury can also decide that she was at work.  
5 But in fact she was doing side jobs, as testified.

6 She listed -- she listed the Rudy Alivado residence,  
7 she indicated was a side job. That was one of the things she  
8 indicated, yet she billed MAI for Rudy Alivado's job. And in  
9 addition to that, she got \$2800 in cash from Rudy Alivado,  
10 which apparently never got into the pockets of MAI.

11 The bottom line is that Ms. Mau made false  
12 representations, as testified this morning to you by  
13 Mr. McDonald, an extraordinary amount of construction  
14 administration hours. More than six months of work she is  
15 putting on her time sheets as construction administration  
16 hours, which someone in her position with her experience and  
17 with her job title as part-time architect, part-time interior  
18 designer, I mean it's eye-popping the amount of construction  
19 administration hours that she listed down.

20 And MAI relied upon the hours that she listed, the  
21 clients that she listed, yet there is evidence that there is  
22 other things going on of her communicating with other clients'  
23 side job plans during the workday through e-mail, through over  
24 the phone, talking on the phone, not only on the cell phone but  
25 the actual office phone as well with side job clients. The

1 bottom line is MAI was harmed and it was as a result of MAI's  
2 reliance upon her representations that was provided by -- by  
3 Ms. Mau.

4 So based on all of that, we would ask accordingly that  
5 the fraud charge also be submitted to the jury.

6 Likewise, with the punitive damages, Your Honor. I  
7 think it's pretty evident the amount of money that was -- the  
8 company believes was pilfered or lost as a result of -- of  
9 Ms. Mau's actions and the cost, not only really in this case  
10 but the cost pertaining to the other case, is substantial.

11 So based upon the misrepresentations, the false time  
12 sheets and all of the other factors that contributed to  
13 Ms. Mau's termination, we would submit that the punitive  
14 damages claim should be -- again, be put before the jury.  
15 Thank you very much, Your Honor.

16 THE COURT: All right. Thank you, Mr. Takemoto.  
17 Mr. Osaki, your response?

18 MR. OSAKI: Yes, Your Honor.

19 I want to respond to the fraud allegation. There was  
20 mention about Mr. Alivado. Now, if Mr. Alivado paid -- and we  
21 dispute this, of course -- but if Mr. Alivado paid Laurel Mau  
22 \$2800, the fraud was to Mr. Alivado, not to Mitsunaga, because  
23 Mr. Alivado said that he paid the Mitsunaga firm about \$10,000  
24 for the work, and nothing that Laurel Mau represented was to  
25 the corporation. If, even if, that's the basis of fraud, it is

1 Mr. Alivado's claim, not -- not the corporation's.

2 When I was preparing this last night, I did not expect  
3 Chad McDonald to testify as he did. And one of the main things  
4 I was going to argue here was that the time sheets are not in  
5 evidence. There is even no basis for arguing that the time  
6 sheets are fraudulent because they're not in evidence.

7 Now, this morning it changed because they are in  
8 evidence, but there is still no fraud because what  
9 Mr. McDonald's opinion is, it accepts the representations made  
10 in the time sheets. What he is saying is, Okay, we have the  
11 construction administration time, and we accept that; and,  
12 therefore, our damages are X. He is not saying -- and his  
13 testimony was that, Oh, this is excessive. This is really  
14 excessive. And that's the basis for his calculation of  
15 damages.

16 Now, when you look at that all by itself, what those  
17 damages relate to in terms of this counterclaim, I don't know.  
18 I don't know. What he is saying is she spent excessive amounts  
19 of time on construction administration. That's really a base  
20 what he says. So, if anything, that was the duty of Aaron  
21 Fujii or, if you take his word, Gary Nakatsuka to be  
22 supervising her and watching her, or maybe Ms. Otani to be  
23 reporting to the supervisors of Laurel Mau while she was there  
24 that she is spending excessive time on construction  
25 administration and then to do something. But it's not -- it's

1 not fraudulent. In fact, he is saying it's true and we accept  
2 it's true; and, therefore, we are damaged.

3 So, even with the time sheets in, there is no evidence  
4 of fraud against the company. Because they are not saying, We  
5 are relying on anything that was false to our detriment.  
6 They're saying, We are relying on this and it's true; and,  
7 therefore, we're damaged.

8 THE COURT: All right. Well, the Court's ruling is as  
9 follows: On the Rule 50 motion that the plaintiff has filed,  
10 the motion is denied in its entirety. The two claims that I  
11 had most significant issue with were voluntarily dismissed with  
12 prejudice by the defense, the conversion and tortious  
13 interference, and I won't say and I need not say anything more  
14 about that.

15 With regard to the breach of duty of loyalty -- well,  
16 really all three claims that remain: Breach of duty of  
17 loyalty, negligence, and fraud, so much hinges on the issue of  
18 permission. And the issue of permission is a factual question  
19 that would have precluded summary judgment had anyone sought  
20 summary judgment, and precludes me from granting Rule 50 motion  
21 on that basis because of the varying testimonies and statements  
22 of the witnesses on that -- on that very issue.

23 You cannot reconcile the comments just -- I'll take  
24 two witnesses alone, and numerous witnesses testified to the  
25 issue of permission, but just taking the plaintiff and



1 Mr. Fujii. It's apparent and clearly apparent to the Court  
2 that those -- the views of what transpired cannot be  
3 reconciled. You're going to believe either one or the other.

4 So it's going to come down in my estimation to a  
5 credibility and believability issue. It's going to be  
6 problematic for the defendant if the jury credits what Ms. Mau  
7 stated with regard to the blanket permission for jobs under  
8 15,000 in design fees, and it's obviously going to be very  
9 problematic for the plaintiff if the jury credits Mr. Fujii's  
10 statement that he gave no such blanket authority. He gave no  
11 such authority at all, much less blanket authority. And there  
12 is obviously other testimony in the record about why it would  
13 be -- the company would not have given the type of blanket  
14 permission that the plaintiff claims she received.

15 And what I'm thinking about is the statement that part  
16 of the reason for seeking permission is to resolve any  
17 potential conflicts of interest, and that cannot be done on a  
18 blanket basis years in advance of the actual project coming in  
19 because you have to know who the parties are. You have to know  
20 who the clients of the firm are at that particular moment. So  
21 there is varying testimony on that issue and -- and virtually  
22 every claim that remains from the defendant hinges on that.

23 With regard to the issue of steering jobs away from  
24 MAI, again, it hinges on permission. If that is -- if the  
25 defendant's version is credited, then it seems clear. Now,

1 what that value of that -- those jobs that she steered away  
2 from the company might have been is -- is an open question and  
3 also something for the jury to look at.

4 But if she didn't have permission, then I think again  
5 it's quite clear that a jury could reasonably find that she  
6 steered potential work away from the firm, both in the  
7 direction of friends and colleagues in the industry, but as  
8 well steered those -- that work to herself.

9 And what does that mean? Does that constitute breach  
10 of duty? I think so. Does it constitute negligence?  
11 Absolutely. And it even could constitute fraud.

12 Now, I understand fraud is predicated on the time  
13 sheet issue. And there is sufficient evidence in the record  
14 and testimony over the eight days of trial that we've been in  
15 that the time sheets were statements, the time sheets are  
16 statements, they're affirmative statements from the plaintiff  
17 of what she did and in what categories she did them, including  
18 the contract administration work that we've heard so much  
19 about.

20 So if she -- I don't get the -- Mr. Osaki, I don't --  
21 honestly I don't get and I don't follow your comment about the  
22 company accepting these time sheets as true. She input the  
23 time, she input the categories of work into the system. I  
24 don't know that I have anything more about that in evidence of  
25 how the company took that. Yes, they accepted it in that

1 respect, but there is nothing in there that says that they  
2 agreed or stipulated or understood that all of that information  
3 that she submitted in conjunction with her time sheets over the  
4 period of time we're talking about, 2006 and forward, were  
5 true.

6 I mean I take everything they have said in their  
7 briefs leading up to trial and everything they have said in  
8 trial as indicating exactly the opposite. That their comment  
9 and their argument is that perhaps not everything that she  
10 included in her time sheet, I don't think they ever said that,  
11 but a significant amount of these statements that she made, the  
12 representations that she made through those time sheets were in  
13 fact false.

14 And it's problematic from a fraud prospective with  
15 regard not only to that conduct but to the duration of that  
16 conduct. We are not talking about a time sheet. If the  
17 company's argument is to be understood and credited, they're  
18 saying that the evidence shows the time sheets were falsified  
19 over a period of years. Now, they're limiting their damages  
20 calculation to 2009 and forward, but I think what they're  
21 saying is that the time sheet falsification went on even  
22 outside of that time period earlier.

23 And is that -- can that to a reasonable jury form the  
24 basis of fraud on the company? I don't see why not.  
25 Statements are false. The company relied on those



1 representations if they were false, the company relied on them  
2 for payment of her income, her salary, her -- her very  
3 employment was based on those time sheets. And if they are in  
4 fact false, as they assert, then the damages that they suffered  
5 in the form of paying her for work that she wasn't actually  
6 performing for MAI clients, I don't see why that is not an  
7 issue that the jury shouldn't be asked to opine on.

8           So, again, as with the defendant's Rule 50 motion  
9 yesterday, this is -- I don't make any representation that I've  
10 summarized all eight days of testimony. I certainly have not  
11 done that, I have not even attempted to do that, but I believe  
12 that the reasons that I just articulated are sufficient reason  
13 to allow these three remaining claims of the defendant to  
14 proceed.

15           All right. Before we bring the jury back, the  
16 question is for Mr. Osaki whether there are rebuttal witnesses  
17 that the plaintiff intends to call? And if you need some time,  
18 we can certainly take a break now. That would be acceptable to  
19 me as well.

20           MR. OSAKI: I would appreciate a short break.

21           THE COURT: Let's do that. Let's take ten minutes and  
22 we'll be back at ten minutes to 11.

23           (Proceedings were recessed at 10:38 a.m. to 10:58  
24 a.m.)

25           THE COURT: All right. Let the record reflect the