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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

PATRICK ANDREW WIELAND

Plaintiff,

vs.

CITY AND COUNTY OF  
HONOLULU;

ARTHUR LOGAN, Chief of Police of  
the Honolulu Police Department, in his  
official capacity only; DAMIEN DESA,  
Individually and in his official capacity;  
DOE POLICE OFFICERS 1-15.

Defendants.

Civil No. 24-00215-DKW-RT

PLAINTIFF PATRICK ANDREW  
WIELAND'S MOTION FOR  
LEAVE TO FILE IN THE  
PUBLIC RECORD ITEMS  
DESIGNATED CONFIDENTIAL;  
MEMORANDUM IN SUPPORT  
OF MOTION; DECLARATION  
OF COUNSEL; PROPOSED  
ORDER; CERTIFICATE OF  
SERVICE

Judge: Hon. Derrick K. Watson

Trial: October 20, 2025

**PLAINTIFF PATRICK ANDREW WIELAND'S  
MOTION FOR LEAVE TO FILE IN THE PUBLIC  
RECORD ITEMS DESIGNATED CONFIDENTIAL**

Plaintiff, PATRICK WIELAND, by and through his undersigned counsel,  
comes now and hereby moves this Court for leave to file exhibits 1, 8, 9, 15, and

16 to Plaintiff's Concise Statement of Fact in the public record. This motion is made pursuant to Local Rule 5.2, and the memorandum of law and declaration herein.

DATED: Honolulu, Hawaii July 17, 2025.

LAW OFFICES OF EINWECHTER & HYATT

By: /s/ Michael Sweetman

John T. Hyatt

Michael Sweetman

Attorneys for Defendant

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Defendants.

Civil No. 24-00215-DKW-RT

**[PROPOSED] ORDER  
GRANTING PLAINTIFF'S  
MOTION FOR LEAVE TO FILE  
IN THE PUBLIC RECORD ITEMS  
DESIGNATED CONFIDENTIAL**

**[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION FOR  
LEAVE TO FILE IN THE PUBLIC RECORD  
ITEMS DESIGNATED CONFIDENTIAL**

Before the Court is Plaintiff's Motion for Leave to File in the Public Record  
Items Designated Confidential. The Court, having considered the motion, and  
being fully advised on the premises, hereby GRANTS the Motion

DATED: Honolulu, Hawaii. \_\_\_\_\_.

\_\_\_\_\_  
JUDGE OF THE ABOVE-ENTITLED COURT

\_\_\_\_\_  
*Patrick Andrew Wieland v. City and County of Honolulu., et al., Civil No. 24-00215-DKW-RT; Order Granting Plaintiff's Motion for Leave to File In the Public Record Items Designated Confidential.*

IN THE UNITED STATES DISTRICT COURT  
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Civil No. 24-00215-DKW-RT

MEMORANDUM IN SUPPORT  
OF MOTION

**MEMORANDUM IN SUPPORT OF MOTION**

**I. INTRODUCTION**

Exhibits 1, 8, 9, 15, and 16 are documents or excerpts from documents provided by Defendants in response to Plaintiff's request for production of documents in the instant case. The excerpts and documents were designated confidential and protected from disclosure pursuant to a stipulated protective order (SPO) dated September 3, 2024 [ECF No. 29]. The parties agreed in that protective order not to disclose (including publicly filing) items marked confidential. For the reasons set forth below, there is no compelling reason for the particular exhibits to be concealed from the public.

## II. FACTS

Exhibit 1 to Plaintiff's Concise Statement of Fact (CSF) is a 5 page manual of operation for the Honolulu Police Department's (HPD) Central Receiving Division. Exhibit 8 is an excerpt from the 2024 version of an HPD Criminal Investigation Division (CID) operations manual. Exhibit 9 is an excerpt from the 2003 version of the same CID manual. Exhibit 15 is a collection of syllabi from HPD's academy. Exhibit 16 is CRD's inmate menu. There are other exhibits to the Plaintiff's CSF which are marked confidential but are available in the public domain on HPD's policy page. Honolulu Police Department, Policies <https://www.honolulupd.org/information/policies/>. (last checked July 17, 2025). Those policies are publicly filed with the CSF and are not the subject of this motion.

## III. ARGUMENT

### A. Legal Standard

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Generally, a party must demonstrate a compelling reason to seal a judicial record. *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1178(9th Cir. 2006). It is true, the burden is relaxed slightly for documents which are exchanged during the discovery process and protected as confidential pursuant to a protective order. *Id.* at 1180. That relaxed burden, however, does not apply to substantive motion such as the motions at issue in the instant case. In substantive motions, the

compelling reason burden persists. *Id.* (Holding “In sum, we treat judicial records attached to dispositive motions differently from records attached to non-dispositive motions. Those who seek to maintain the secrecy of documents attached to dispositive motions must meet the high threshold of showing that compelling reasons support secrecy. A good cause showing under Rule 26(c) will suffice to keep sealed records attached to non-dispositive motions) (Internal quotations and citations omitted).

## B. Individual Exhibits at Issue

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### 1. **Exhibit 1, CRD Manual of Procedure (MOP)**

Where a particularized showing is required to maintain the confidential nature of a judicial filing, it follows logically that the same standard should be applied to permit a document protected by the SPO to be filed in the public record. Hawaii freedom of information law provides each agency of the state shall make available for public inspection...(1) rules of procedure. Hawaii Revised Statutes (H.R.S.) § 92F-13. There are exceptions to the foregoing general rule for: 1) government records which pertain to the prosecution or defense of a judicial action; or 2) records which, by their nature, must be confidential in order for the government to avoid the frustration of a legitimate government function.

Without divulging particular information about Exhibit 1, the Court’s *in camera* review will reveal it pertains generally to extraditions. The material

therein could not conceivably frustrate any governmental purpose were it revealed to the public. In fact, the information in Exhibit 1 pertains to HPD conduct which liberty requires be conducted in the light of day. Thus, Exhibit 1 should be permitted to be filed in the public record with the Plaintiff's CSF.

## **2. Exhibits 8 and 9, CID MOPs**

Exhibits 8 and 9 are two versions of the same CID MOP pertaining to extradition. The analysis here is identical to that above for the CRD MOPs pertaining to extradition. Each exhibit is a 5-page excerpt of a larger policy. The excerpts deal only with a procedural scheduling matter and do not reveal any methods or means of the CID. Given the absence of any particular means or methods of the CID in the two excerpts, there is no risk that revelation of the information therein will frustrate a governmental effort or purpose. Thus, the exhibits should be filed in the public record.

## **3. Exhibit 15, Training Syllabi.**

Exhibit 15 is a collection of certain training materials from the HPD Academy. It contains portions of records of a government agency which fall under the general freedom of information rules at H.R.S. § 92F-1 et seq. There is no exception which applies because the disclosure of course information does not pertain to any means or methods of HPD operations. The presence of the

information in Exhibit 15 in the public domain would not frustrate any government purpose and thus the default rule of disclosure should apply.

#### **4. Exhibit 16, CRD Detainee Menu.**

Exhibit 16 is a one-page document consisting of the daily “menu” of food to be served to detainees at CRD. Applying the foregoing legal standards to Exhibit 16, it is obvious concealing the information therein serves no purpose and does not fall within any exception to the general rule of disclosure.

#### **IV. CONCLUSION**

At a dispositive motion, the Defendants must demonstrate a compelling reason why a document must be concealed from the public record. The instant exhibits contain no information which may disclose a CRD or CID secret mode of operation or means achieving an investigative end. Rather, the exhibits contain food menus, training objectives, and scheduling matters pertaining to extradition arrests. There is no compelling reason they should be kept from the public record. Therefore, the Court should grant the instant motion to permit the document to be filed with the Plaintiff’s CSF in the public record.

DATED: Honolulu, Hawaii July 18, 2025.

LAW OFFICES OF EINWECHTER & HYATT

By: /s/ Michael Sweetman

John T. Hyatt

Michael Sweetman

Attorneys for Defendant



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Defendants.

Civil No. 24-00215-DKW-RT

DECLARATION OF COUNSEL

**DECLARATION OF COUNSEL**

I, MICHAEL SWEETMAN, declare:

1. I am an attorney with the Law Offices of Einwechter and Hyatt. My firm represents Plaintiff in the above matter.

2. Exhibits 1, 8, 9, 15, and 16 are of the nature described in Section II of the foregoing memorandum which description is incorporated herein by this reference.

3. The Exhibits were designated as confidential in Defendants' responses to Plaintiff's various requests for production of documents.

4. Counsel conferred via email but were unable to reach an agreement on whether the instant exhibits may be publicly filed.

5. Heavily redacted versions of the exhibits were filed with the Plaintiff's CSF.

6. Unredacted versions of the exhibits are attached hereto in a sealed envelope pursuant to L.R. 5.2

I declare under penalty of perjury under the lase of the State of Hawaii that the foregoing is true and correct to the best of my knowledge and belief.

DATED: Honolulu, Hawaii July 18, 2025.

/s/ Michael Sweetman

Michael Sweetman