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Attorneys for Defendants  
CITY AND COUNTY OF  
HONOLULU and DAMIEN DESA

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAI‘I

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. CV 24-00215 DKW-RT

DEFENDANTS CITY AND  
COUNTY OF HONOLULU AND  
DAMIEN DESA’S: (1)  
MEMORANDUM IN OPPOSITION  
TO PLAINTIFF PATRICK ANDREW  
WIELAND’S MOTION FOR LEAVE  
TO FILE IN THE PUBLIC RECORD  
ITEMS DESIGNATED AS  
CONFIDENTIAL [ECF No. 64]; AND  
(2) REPLY MEMORANDUM IN  
SUPPORT OF THEIR AMENDED  
MOTION TO SEAL DOCUMENTS  
EXHIBIT “A” AND “I” [ECF No. 58];  
CERTIFICATE OF SERVICE

**DEFENDANTS CITY AND COUNTY OF HONOLULU AND DAMIEN DESA’S: (1) MEMORANDUM IN OPPOSITION TO PLAINTIFF PATRICK ANDREW WIELAND’S MOTION FOR LEAVE TO FILE IN THE PUBLIC RECORD ITEMS DESIGNATED AS CONFIDENTIAL [ECF No. 64]; AND (2) REPLY MEMORANDUM IN SUPPORT OF THEIR AMENDED MOTION TO SEAL DOCUMENTS EXHIBIT “A” AND “I” [ECF No. 58]**

Defendants CITY AND COUNTY OF HONOLULU and DAMIEN DESA (collectively, “Defendants”), by and through their undersigned counsel, respectfully submit their reply memorandum in support of their Amended Motion to Seal Exhibits "A" & "I" to Defendants’ Motions for Summary Judgment filed on June 6, 2025 [ECF Nos. 51, 52], filed herein on June 27, 2025 [ECF No. 58](“Defendants’ Amended Motion to Seal”) and their memorandum in opposition to Plaintiff PATRICK ANDREW WIELAND (“Plaintiff”) Motion for Leave to File in the Public Record Items Designated as Confidential, filed herein on July 18, 2025 [ECF No. 64](“Plaintiff’s Motion”). For the following reasons, Defendants move to maintain the confidential status of Exhibit “I” and the exhibits identified by Plaintiff in his Motion for the following reasons:

**A. Defendants’ Voluntarily Withdraw Exhibit “A” in Support of Their Motions**

Defendants’ Amended Motion to Seal sought to file two exhibits under seal: (1) body-worn camera footage video depicting the incident at issue involving Plaintiff PATRICK ANDREW WIELAND (“Plaintiff”)(**Exhibit A**), and (2) the Manual of Procedure/Operations of Honolulu Police Department’s (“HPD”)

Criminal Investigation Division for Extraditions (**Exhibit I**). Upon further consideration, Defendants voluntarily withdraw **Exhibit “A”** in Support of their Motions for Summary Judgment. As such, the instant memorandum addresses only those arguments related to Exhibit “I” to Defendants’ Motions for Summary Judgment. Defendants incorporate by reference the arguments raised in its Motion to Seal as to the “confidentiality” of Exhibit I.

### **B. The Parties’ SPO**

On September 3, 2024, the parties negotiated and stipulated to a Protective Order to facilitate document production during discovery (“SPO”). *See* ECF No. 29. The SPO provides that the parties may designate as “Confidential” “any document or response to discovery which that party or non-party considers in good faith to contain information involving trade secrets, or confidential business or financial information, subject to protection under the Federal Rules of Civil Procedure or Hawai‘i law.” ¶1. In the absence of any agreement to redact or de-designate Confidential materials, the parties agreed to obtain leave of court before filing any documents under seal as part of the court record. ¶6. The SPO also establishes a procedure for challenging Confidential designations by which the non-designating party can shift the burden to the designating party to establish the document’s confidentiality if written notice is provided. ¶8. Throughout this litigation, the City has produced documents that it designated Confidential under

the SPO. Plaintiff did not object to these designations in relevant part until July 16, 2025 – two days prior to his Motion. The City has previously agreed to de-designate several confidential documents submitted in support of its Motion for Summary Judgment. However, after attempting to resolve their disputes without judicial intervention, the City now asks the court to maintain the confidential status of certain documents identified in Plaintiff’s Motion.

### **C. Plaintiff’s Motion**

Plaintiff’s Motion seeks to remove the confidentiality designation and file publicly the following exhibits:

<b>Exhibit 1</b>	5 page manual of operation for the Honolulu Police Department’s (HPD) Central Receiving Division
<b>Exhibit 8</b>	Excerpt from the 2024 version of an HPD Criminal Investigation Division (CID) operations manual
<b>Exhibit 9</b>	Excerpt from the 2003 version of the same CID manual
<b>Exhibit 15</b>	A collection of syllabi from HPD’s academy
<b>Exhibit 16</b>	CRD’s inmate menu

All of the exhibits which Plaintiff seeks to de-designate are not publicly available.

As a threshold matter, the parties were permitted to challenge Confidential designations when made had, and had ample opportunity to seek redaction or de-designation of Confidential Material before moving to file them publicly.

However, Plaintiff did not follow the procedures set forth in the SPO. Moreover, Plaintiff was free to oppose Defendants’ Amended Motion to Seal, but did not do

so and instead, filed a separate motion to file certain documents publicly.

Plaintiff's belated concerns regarding the public's access to public records runs afoul to the SPO's targeted procedure for confidentiality challenges. *See Pittston Co. v. United States*, 368 F.3d 385, 406 (4th Cir. 2004) ("Although the presumption is in favor of public access to documents, courts in this circuit have repeatedly recognized that it is inappropriate for a party to weaponize the public right of access to undermine a protective order to which it agreed.")

**D. Compelling Reasons Justify Maintaining the Confidentiality of the Exhibits Identified in Plaintiff and Defendants' Motions**

Defendants submit that the confidentiality of internal police procedures and policies must be maintained. Generally, "compelling reasons" sufficient to outweigh the public's interest in disclosure and justify sealing court records exist when such "court files might have become a vehicle for improper purposes," such as the use of records to gratify private spite, promote public scandal, circulate libelous statements, or release trade secrets. *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). Like Exhibit "I" to Defendants' Motions for Summary Judgment, Plaintiff's Exhibit 1, 8, 9 are excerpts from the manual of operations/procedures from HPD's Criminal Investigation Division and Central Receiving Division. These MOPs and Exhibit 15 (materials from the HPD Training Academy) contain confidential, proprietary information on how the Honolulu Police Department processes arrestees and how it trains its officers. This

information should be maintained under seal because public disclosure could aid Defendant's competitors in creating or enhancing upon HPD's policies and procedures, thereby destroying Defendant's competitive advantage (and ability) to recruit officers. In addition, HPD training materials and its MOPs should be kept confidential because HPD's policies are already publicly available and public disclosure of these materials could open HPD to the potential of increased liability and risk in that criminals may be able to develop certain methods to successfully circumvent HPD's internal procedures.

For the foregoing reasons, Defendants respectfully request that this Court grant their Amended Motion to File Under Seal Exhibit "I", deny Plaintiff's Motion, and for such other and further relief as this Court deems just and proper under the circumstances.

DATED: Honolulu, Hawai'i, July 25, 2025.

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By: /s/ Kourtney H. Wong  
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and DAMIEN DESA

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PATRICK ANDREW WIELAND

Plaintiff,

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CITY AND COUNTY OF HONOLULU,  
et alx.

Defendants.

CIVIL NO. CV 24-00215 RT

CERTIFICATE OF SERVICE

**CERTIFICATE OF SERVICE**

I hereby certify that, on the date and by the methods of service noted below,  
a true and correct copy of the foregoing was served on the following at their last  
known addresses as shown below:

**Served Electronically through CM/ECF:**

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DATED: Honolulu, Hawai'i, July 25, 2025.

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