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Attorneys for Defendants
LENA KAKEHI, LITA JYRING,
AND NATASHA COMBS

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

ARCHIE JOHN MCCOY, and “A.A.”,

Plaintiff,

vs.

LENA KAKEHI, Social Worker, LITA
JYRING, Social Worker, DHS
Supervisor, NATASHA COMBS,
PAMELA NAKANELUA, DHS
SUPERVISOR, DANA KANO, DHS
SECTION ADMINISTRATOR, EPIC
OHANA INC. and KATHY
SHIMABUKURO,

Defendants.

CIVIL NO. 21-00063 SASP-RT

DEFENDANTS LENA KAKEHI,
LITA JYRING, AND NATASHA
COMBS’ MOTION FOR LEAVE TO
FILE EXHIBITS “E,” “I,” “J,” “K,”
“L,” “M,” “N,” and “P” UNDER
SEAL; DECLARATION OF ELAINE
T. CHOW; CERTIFICATE OF
SERVICE

Judge: The Hon. Shanlyn A.S. Park
Trial Date: February 24, 2026

DEFENDANTS LENA KAKEHI, LITA JYRING, AND
NATASHA COMBS' MOTION FOR LEAVE TO FILE
EXHIBITS "E," "I," "J," "K," "L," "M," "N," and "P" UNDER SEAL

Defendants LENA KAKEHI, LITA JYRING, and NATASHA COMBS, by and through their attorneys, Anne E. Lopez, Attorney General of Hawaii, and Skyler G. Cruz and Elaine T. Chow, Deputy Attorneys General, hereby respectfully move this Court for an Order granting leave to file under seal Exhibits "E," "I," "J," "K," "L," "M," "N," and "P" to their forthcoming Motion for Summary Judgment.

This motion is made pursuant to Rule 7 of the Federal Rules of Civil Procedure and LR5.2 of the Local Rules of Practice for the United States District Court for the District of Hawaii and is based upon the Declaration of Elaine T. Chow, and the records and files in this case.

DATED: Honolulu, Hawaii, September 29, 2025.

STATE OF HAWAII

ANNE E. LOPEZ
Attorney General of Hawaii

/s/ Elaine T. Chow
SKYLER G. CRUZ
ELAINE T. CHOW
Deputy Attorneys General

Attorneys for Defendants
LENA KAKEHI, LITA JYRING,
AND NATASHA COMBS

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SECTION ADMINSTRATOR, EPIC
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Defendants.

CIVIL NO. 21-00063 SASP-RT

DECLARATION OF ELAINE T.
CHOW

DECLARATION OF ELAINE T. CHOW

I, ELAINE T. CHOW, declare as follows:

1. I am a Deputy Attorney General for the State of Hawaii and one of the attorneys representing Lita Jyring, Lena Kakehi and Natasha Combs (collectively, “State Defendants”).

2. I have personal knowledge of the matters set forth in this declaration and am competent to testify about them.

3. The State Defendants will file a Motion for Summary Judgment by the deadline September 29, 2025.

4. As part of the motion for summary judgment, it is my intention to submit confidential documents of the State of Hawaii, Department of Human Services (“DHS”) regarding the minor, A.A., who is not a party to this action, as well as confidential family court filings regarding the minor, A.A. These documents are attached as Exhibits “E,” “I,” “J,” “K,” “L,” “M,” “N,” and “P” to the Motion.

5. “A party seeking to seal a judicial record . . . bears the burden of overcoming this strong presumption (in favor of public access) by meeting the ‘compelling reasons’ standard.” Kamakana v. City and County of Honolulu, 447 F.3d 1172, 1178 (9th Cir. 2006) (citation omitted). “Under this stringent standard, a court may seal records only when it finds ‘a compelling reason and articulate[s] the factual basis for its ruling, without relying on hypotheses or conjecture.’” Center for Auto Safety v. Chrysler Group, LLC, 809 F.3d 1092, 1096 (9th Cir. 2016) (citation omitted).

6. DHS administers social services, medical assistance, and public assistance programs throughout the state. Due to the very personal nature of DHS’ services, all DHS records are confidential and the unauthorized disclosure of any DHS record is prohibited. Hawaii Revised Statutes (“HRS”) § 346-10, **Protection of records, divulging confidential information prohibited**, reads in part:

(a) The department and its agents shall keep records that may be necessary or proper in accordance with this chapter. All applications and records concerning any applicant or recipient shall be confidential.

HRS § 346-10(f) specifically protects the confidentiality of information related to foster parents and adoptive parents. An unauthorized disclosure by any person is a violation under HRS § 346-11. Pursuant to HRS § 346-10(e), DHS may disclose confidential information to someone other than the applicant or recipient “if requested by a specific written waiver of the applicant or recipient concerned.” Plaintiff has not provided such a waiver from Mother and does not appear to have the authority to sign such a waiver on behalf of A.A.

7. DHS's records regarding child abuse are particularly sensitive, and enjoy additional confidentiality protections. HRS § 350-1.4, **Confidentiality**, reads in part:

(a) All reports to the department [of human services] concerning child abuse or neglect made pursuant to this chapter, as well as all records of such reports, are confidential. The director may adopt rules, pursuant to chapter 91, to provide for the confidentiality of reports and records and for the authorized disclosure of reports and records. Any person who intentionally makes an unauthorized disclosure of a report or a record of a report made to the department shall be guilty of a misdemeanor.

HRS § 346-10(a)(11), has a relevant exception which allows:

(11) Disclosure pursuant to a court order, after an in camera review of the records by the court, upon a showing of good cause by the party seeking release of the records.

8. The confidentiality of minor child A.A.'s is a compelling reason to seal Exhibits "E," "I," "J," "K," "L," "M," "N," and "P".

9. It is not feasible to file redacted versions of Exhibits "E," "I," "J," "K," "L," "M," "N," and "P" because the entries and information in those records are the bases for State Defendants' Motion for Summary Judgment.

10. State Defendants therefore respectfully requests that the Court grant her Motion for Leave to File Exhibits "E," "I," "J," "K," "L," "M," "N," and "P" under seal.

11. State Defendants' proposed order granting their motion is being submitted concurrently in accordance with the LR5.2(c)(2).

12. Given the upcoming deadline, State Defendants respectfully request an expedited ruling on this matter

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Honolulu, Hawaii, September 29, 2025

/s/ Elaine T. Chow

ELAINE T. CHOW

Deputy Attorney General