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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.",

CIVIL NO. 21-00063 SASP-RT

Plaintiff,

vs.

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

DEFENDANTS LENA KAKEHI, LITA JYRING, AND NATASHA COMBS' MOTION FOR LEAVE TO FILE EXHIBITS "E," "F," "G," and "H" UNDER SEAL; DECLARATION OF ELAINE T. CHOW; CERTIFICATE OF SERVICE

Judge: The Hon. Shanlyn A.S. Park

Trial Date: February 24, 2026

Defendants.

DEFENDANTS LENA KAKEHI, LITA JYRING,
AND NATASHA COMBS' MOTION FOR LEAVE
TO FILE EXHIBITS "E," "F," "G," and "H" 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," "F," "G," and "H" to their forthcoming Memorandum in Opposition to Plaintiff Archie John McCoy's Memorandum in Support of Motion for Summary Judgment on Claims of Judicial Deception and Interference with Constitutional Right of Familial Association in Count III [Dkt. 195].

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.

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DATED: Honolulu, Hawaii, November 17, 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

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 ADMINSTRATOR, EPIC
OHANA INC. and KATHY
SHIMABUKURO,

CIVIL NO. 21-00063 SASP-RT
DECLARATION OF ELAINE T.
CHOW

Defendants.

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 Memorandum in Opposition (“Opposition”) to Plaintiff Archie John McCoy’s Memorandum in Support of Motion for Summary Judgment on Claims of Judicial Deception and Interference with Constitutional Right of Familial Association in Count III [Dkt. 195].

4. As part of the Opposition, it is my intention to submit confidential family court filings regarding the minor, A.A. These documents are attached as Exhibits “E,” “F,” “G,” and “H” to the Opposition.

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. Under HRS § 587A-25(a), the “general public shall be excluded from child protective proceedings,” except “parties found by the court to have a direct interest in the case.” “This exclusion is to ensure, *inter alia*, that there is ample protection for children who have been harmed or who are in life circumstances that threaten harm.” Dkt. 205 at PageID.4047.

9. The confidentiality of minor child A.A.’s is a compelling reason to seal Exhibits “E,” “F,” “G,” and “H.”

10. It is not feasible to file redacted versions of Exhibits “E,” “F,” “G,” and “H” because the entries and information in those records are the bases for the Opposition.

11. State Defendants therefore respectfully requests that the Court grant their Motion for Leave to File Exhibits “E,” “G,” and “H” under seal.

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

13. 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, November 17, 2025

/s/ Elaine T. Chow
ELAINE T. CHOW
Deputy Attorney General