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Attorneys for Honolulu Police Department,
City and County of Honolulu

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

IN RE GRAY LOCAL MEDIA, INC. dba
Hawai'i News Now,

Movant.

S.P. No. 1CSP-25-0000499
(Special Proceedings)

HONOLULU POLICE DEPARTMENT'S
RESPONSE TO MOTION TO CLARIFY OR
AMEND ORDER; DECLARATION OF
SPENCER JIM ON; EXHIBITS "A" – "B";
CERTIFICATE OF SERVICE

**HONOLULU POLICE DEPARTMENT'S RESPONSE TO MOTION TO
CLARIFY OR AMEND ORDER**

Honolulu Police Department, City and County of Honolulu ("HPD"), by and through their attorneys, the Department of the Corporation Counsel, Dana M.O. Viola, Corporation Counsel, and Amy M.H. Chan, Deputy Corporation Counsel, hereby files the instant response to Movant In Re Gray Local Media, Inc. dba Hawaii News Now's ("HNN") Motion to Clarify or Amend Order filed on December 4, 2025.

HPD, on August 14, 2024, received a request from Lynn Kawano for "documents/records from the case file for Diane Suzuki disappearance from July 6, 1985, pursuant to the Uniform

Information Practices Act (Modified) (UIPA), chapter 92F, Hawai‘i Revised Statutes (HRS).
See Exhibit A.

On September 4, 2024, HPD issued the Notice of Requester dated September 4, 2024, denying the request in its entirety, pursuant to HRS § 92F-13(4), which provides in pertinent part, that government records are protected from disclosure pursuant to state or federal law including an order of any state or federal court.¹ *See Exhibit B.*

HPD, at the time of its response, was under the good faith belief that an Order of Limited Disclosure in the Special Secret (Investigatory) Grand Jury Session (“Order”) in S.P. No. 93-9 precluded disclosure of the requested documents pursuant to Hawaii Rules of Penal Procedure Rule 6(e). *See Decl. of Spencer Jim On.*

Subsequently, HNN filed a Motion to Clarify or Amend Order, requesting that the Court clarify that the Order does not include records created by HPD, prior to, and independent of, the 1993 special investigatory grand jury proceeding. *See Judiciary Information Management System Dkt 1.*

HPD informs the parties that it reserves the right to invoke any additional exceptions enumerated in HRS Chapter 92F-13.

¹ HPD initially denied the UIPA request based on HRS § 92F-13(3), which prohibits disclosure to avoid the frustration of a legitimate government function. *See Exhibit A.* However, HPD subsequently informed Ms. Kawano, via Notice of Requester that disclosure was based on HRS 92F-13(4). *See Exhibit B and Decl. of Spencer Jim On.*

DATED: Honolulu, Hawai‘i, March 30, 2026.

DANA M.O. VIOLA
Corporation Counsel

By /s/ Amy M.H. Chan
AMY M.H. CHAN
Deputy Corporation Counsel
Attorneys for
Honolulu Police Department
City and County of Honolulu

IN RE GRAY LOCAL MEDIA, INC. dba Hawai‘i News Now, S.P. No. 1CSP-25-0000499,
Honolulu Police Department’s Response To Motion To Clarify Or Amend Order

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DECLARATION OF SPENCER L. JIM ON

DECLARATION OF SPENCER L. JIM ON

I, Spencer Jim On, declares as follows:

1. I am the Assistant Police Legal Advisor for the Honolulu Police Department (HPD).
2. As part of my duties and responsibilities, I advise on requests for records pursuant to the Uniform Information Practices Act (Modified), chapter 92F, Hawai'i Revised Statutes (HRS).
3. Attached hereto as Exhibit A, is a true and correct copy of the Lynn Kawano's request for "documents/records from the case file for Diane Suzuki disappearance from July 6, 1985" pursuant to the Uniform Information Practices Act (Modified) (UIPA), chapter 92F, Hawai'i Revised Statutes (HRS) that HPD received on August 14, 2024.

4. HPD initially denied Ms. Kawano's UIPA request based on HRS 92F-13(3), however, I subsequently was informed that the requested documents/records were sealed pursuant to a court order.

5. Thereafter, I advised the HPD in the above entitled case regarding Lynn Kawano's request.

6. Attached hereto as Exhibit B, is a true and correct copy of Notice to Requester dated September 4, 2024 that HPD sent in response to Ms. Kawano's UIPA request.

7. At the time of the Notice to Requester, I was under the good faith belief that an Order of Limited Disclosure in the Special Secret (Investigatory) Grand Jury Session ("Order") in S.P. No. 93-9 precluded disclosure of all of the requested documents/records pursuant to Hawaii Rules of Penal Procedure Rule 6(e).

8. However, if a determination is made that confidentiality of the Order does not extend to the requested documents/records, HPD reserves the right to invoke any additional exceptions enumerated in HRS Chapter 92F-13.

9. I declare, verify, certify, and state under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

DATED: Honolulu, Hawai'i, March 30, 2026.


SPENCER JIM ON

From: Yu, Michelle <myu@honolulu.gov>
Sent: Tuesday, August 20, 2024 11:16 AM
To: Lynn Kawano <lkawano@hawaiinewsnow.com>
Cc: Yoro, Sarah <sarah.yoro@honolulu.gov>
Subject: HNN - Diane Suzuki Murder

Hi Lynn,
There is no statute of limitation for homicide, and this case remains an open investigation. The report is not releasable at this time.
Thanks,
Michelle

From: Lynn Kawano <Lynn.Kawano@hawaiinewsnow.com>
Sent: Wednesday, August 14, 2024 10:03 AM
To: Yu, Michelle <myu@honolulu.gov>; Yoro, Sarah <sarah.yoro@honolulu.gov>
Subject: Case file request

CAUTION: Email received from an **EXTERNAL** sender. Please confirm the content is safe prior to opening attachments or links.

Aloha ladies.
I am requesting the documents/records from the case file for the Diane Suzuki disappearance from July 6, 1985.

The case is now 39 years old with no arrests made. In 1993, the prosecutor's office tried to move forward but no charges were filed.

Retired HPD Major Gary Davis wrote a book that included details about the murder of Suzuki and other women on Oahu therefore investigative information has already been publicly shared

I understand the case file will be lengthy, so we can discuss ways to narrow the scope once I can get an idea of the cost for the request.
Mahalo,
Lynn

EXHIBIT A

NOTICE TO REQUESTER

TO: Lynn Kawano
Email: lynn.kawano@hawaiinewsnow.com
(Requester's name)

FROM: Michelle Yu, Information Specialist 3
Sarah Yoro, Information Specialist 2
The Honolulu Police Department
801 South Beretania Street
Honolulu, HI 96813
Phone: (808) 723-3865
Emails: myu@honolulu.gov
Sarah.yoro@honolulu.gov
(Agency, and agency contact person's name, telephone number, & email address)

DATE THAT THE RECORD REQUEST WAS RECEIVED BY AGENCY: August 14, 2024

DATE OF THIS NOTICE: September 4, 2024

GOVERNMENT RECORDS YOU REQUESTED (attach copy of request or provide brief description below):

"Documents/records from the case file for Diane Suzuki disappearance from July 6, 1985."

THIS NOTICE IS TO INFORM YOU THAT YOUR RECORD REQUEST:

Will be granted in its entirety.

Cannot be granted. Agency is unable to disclose the requested records for the following reason:

- Agency does not maintain the records. (HRS § 92F-3)
Other agency that is believed to maintain records: _____
- Agency needs further clarification or description of the records requested. Please contact the agency and provide the following information: _____
- Request requires agency to create a summary or compilation from records, but requested information is not readily retrievable. (HRS § 92F-11(c))
- Requested record(s) does not exist.

Will be granted in part and denied in part, **OR**

Is denied in its entirety

Although the agency maintains the requested records, it is not disclosing all or part of them based on the exemptions provided in HRS § 92F-13 and/or § 92F-22 or other laws cited below.

(Describe the portions of records that the agency will not disclose.)

RECORDS OR
INFORMATION WITHHELD
Documents/Records from the Case File
for Diane Suzuki Disappearance
from July 6, 1985

APPLICABLE
STATUTES
92F-13(4)

AGENCY
JUSTIFICATION
Government Records Protected From
Disclosure, Pursuant to an Order of
Any State or Federal Court

REQUESTER'S RESPONSIBILITIES:

You are required to (1) pay any lawful fees and costs assessed; (2) make any necessary arrangements with the agency to inspect, copy or receive copies as instructed below; and (3) provide the agency any additional information requested. If you do not comply with the requirements set forth in this notice within 20 business days after the postmark date of this notice or the date the agency makes the records available, you will be presumed to have abandoned your request and the agency shall have no further duty to process your request. Once the agency begins to process your request, you may be liable for any fees and costs incurred. If you wish to cancel or modify your request, you must advise the agency upon receipt of this notice.

METHOD & TIMING OF DISCLOSURE:

Records available for public access in their entireties must be disclosed within a reasonable time, not to exceed 10 business days from the date the request was received, or after receipt of any prepayment required. Records not available in their entireties must be disclosed within 5 business days after this notice or after receipt of any prepayment required. HAR § 2-71-13(c). If incremental disclosure is authorized by HAR § 2-71-15, the first increment must be disclosed within 5 business days of this notice or after receipt of any prepayment required.

Method of Disclosure:

- Inspection at the following location: _____
- As requested, a copy of the record(s) will be provided in the following manner:
 - Available for pick-up at the following location: _____
 - Will be mailed to you.
 - Will be transmitted to you by other means requested:

Timing of Disclosure: All records, or the first increment if applicable, will be made available or provided to you:

- On _____, 2022.
- After prepayment** of 50% of fees and 100% of costs, as estimated below.

For incremental disclosures, each subsequent increment will be disclosed within 20 business days after:

- The prior increment (if one prepayment of fees is required and received), or
- Receipt of each incremental prepayment, if prepayment for each increment is required.

Records will be disclosed in increments because the records are voluminous and the following extenuating circumstances exist:

- Agency must consult with another person to determine whether the record is exempt from disclosure under HRS chapter 92F.
- Request requires extensive agency efforts to search, review, or segregate the records or otherwise prepare the records for inspection or copying.
- Agency requires additional time to respond to the request in order to avoid an unreasonable interference with its other statutory duties and functions.
- A natural disaster or other situation beyond agency's control prevents agency from responding to the request within 10 business days.

ESTIMATED FEES & COSTS AND PAYMENT:

FEES: For personal record requests under Part III of chapter 92F, HRS, the agency may charge you for its costs only, and fee waivers do not apply.

For public record requests under Part II of chapter 92F, HRS, the agency is authorized to charge you fees to search for, review, and segregate your request (even if a record is subsequently found to not exist or will not be disclosed in its entirety). The agency must waive the first \$30 in fees assessed for general requesters, OR in the alternative, the

first \$60 in fees when the agency finds that the request is made in the public interest. Only one waiver is provided for each request. See HAR §§ 2-71-19, -31 and -32.

COSTS: For either personal or public record requests, the agency may charge you for the costs of copying and delivering records in response to your request, and other lawful fees and costs.

PREPAYMENT: The agency may require prepayment of 50% of the total estimated fees and 100% of the total estimated costs prior to processing your request. If a prepayment is required, the agency may wait to start any search for or review of the records until the prepayment is received by the agency. Additionally, if you have outstanding fees or costs from previous requests, including abandoned requests, the agency may require prepayment of 100% of the unpaid balance from prior requests before it begins any search or review for the records you are now seeking.

The following is an itemization of what you must pay, based on the estimated fees and costs that the agency will charge you and the applicable waiver amount that will be deducted:

For public record requests only:

Fees: Search	Estimate of time to be spent: ____ hours (\$2.50 for each 15-minute period)	\$
Review & segregation	Estimate of time to be spent: ____ hours (\$5.00 for each 15-minute period)	\$
Fees waived	<input type="checkbox"/> general (\$30), OR <input type="checkbox"/> public interest (\$60) (Only one waiver per request)	<\$ ____>
Other	_____	\$
	(Pursuant to HAR §§ 2-71-19 & 2-71-31)	

Total Estimated Fees: \$

For public or personal record requests:

Costs: Copying	Estimate of # of pages to be copied: _____ (@ \$ <u>0.50</u> for 1 st pages of each report and \$ <u>0.25</u> for each subsequent pages per page, pursuant to HRS § 92-21)	\$
Delivery	Postage	\$

Total Estimated Costs: \$

TOTAL ESTIMATED FEES AND COSTS from above: \$

- The estimated fees and costs above are for the first incremental disclosure only. Additional fees and costs, and no further fee waivers, will apply to future incremental disclosures.**
- PREPAYMENT IS REQUIRED** (50% of fees + 100% of costs, as estimated above) \$
- UNPAID BALANCE FROM PRIOR REQUESTS** (100% must be paid before work begins) \$

TOTAL AMOUNT DUE AT THIS TIME \$

Payment may be made by: cash
 personal/business/cashier's check payable to **City and County of Honolulu**

For questions about this notice or the records being sought, please contact the agency person named at the beginning of this form. Please note that the Office of Information Practices (OIP) does not maintain the records of other agencies, and a requester must seek records directly from the agency it believes maintains the records. If the agency denies or fails to respond to your written request for records or if you have other questions regarding compliance with the UIPA, then you may contact OIP at (808) 586-1400, ois@hawaii.gov, or 250 South Hotel Street, Suite 107, Honolulu, Hawaii 96813.

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(Special Proceedings)

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date a true and correct copy hereof was served on the following through the Judiciary Electronic Filing and Service System (JEFS):

ROBERT BRIAN BLACK
BENJAMIN M. CREPS
Public First Law Center
700 Bishop Street, Suite 1701
Honolulu, Hawai'i 96813
Emails: brian@publicfirstlaw.org
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Attorneys for Movant Gray Local Media, Inc

KURT NAKAMATSU
Department of the Corporation Counsel
1001 Bishop St., Suite 2020
Honolulu, Hawai'i 96813
Email: knakamatsu@honolulu.gov
Attorney for Department of the Prosecuting Attorney

DATED: Honolulu, Hawai'i, March 30, 2026.

/s/ Amy M.H. Chan

AMY M.H. CHAN
Deputy Corporation Counsel
Attorney for
Honolulu Police Department
City and County of Honolulu