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Attorneys for Plaintiff Public First Law Center

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAI‘I

PUBLIC FIRST LAW CENTER,

Plaintiff,

vs.

UNIVERSITY OF HAWAI‘I,

Defendant.

CIVIL NO. 1CCV-26-0000569 (KLH)
(Other Civil Action)

REPLY MEMORANDUM IN SUPPORT
OF MOTION FOR PARTIAL
JUDGMENT ON THE PLEADINGS
AND ALTERNATIVELY, FOR LEAVE
TO AMEND

JUDGE: Hon. Karin L. Holma
TRIAL DATE: January 10, 2028

HEARING MOTION

HEARING DATE: October 19, 2026
HEARING TIME: 2:00 p.m.

**REPLY MEMORANDUM IN SUPPORT OF MOTION FOR PARTIAL JUDGMENT
ON THE PLEADINGS AND ALTERNATIVELY, FOR LEAVE TO AMEND**

Plaintiff Public First Law Center (Public First) respectfully submits this reply memorandum in support of its motion for judgment on the pleadings filed August 31, 2026 (motion) and in response to Defendant University of Hawai‘i’s (UH) opposition filed October 9, 2026.

The motion asks the Court to either declare the Individuals not “necessary” under HRCP 19(b) or order informal notice to Wendy Hensel, Dr. Julian Heilig, and Kim Siegenthaler (together, Individuals) with a deadline for the Individuals to express an interest in participating in this case. UH does not appear to oppose the latter request and offers a confused and incorrect legal argument concerning the former.

In the alternative, the motion asks for leave to amend the Complaint filed April 15, 2026 (Complaint) to add the Individuals as defendants. UH does not address this request.

I. The Individuals are not “necessary” if they do not “claim an interest in the subject of the action.”

UH argues that this case is indistinguishable from *Civil Beat Law Center*, then agrees with Public First that the case is distinguishable because there is no demand to void President Hensel’s hire. Dkt. 73 at 4-5; *accord* Dkt. 65 at 7-8 n.3. Public First addressed the various reasons why Rule 19 should not apply here. Dkt. 65 at 6-7, 9-11. But the most expedient path would be confirmation of whether the Individuals wish to participate in this lawsuit.

UH does not oppose this path. “[T]he University is not advocating the Court to require that its President, Wendy Hensel, or any other individual be joined as a necessary party. If the Court believes that there is a path forward without joining the University’s employees to the lawsuit, the University is willing to do so.” Dkt. 73 at 2.

As supported by the plain language of Rule 19, federal commentary, and use of comparable rules in other jurisdictions, informal notice of the lawsuit would provide the Individuals with an opportunity to declare an interest; those who “claim an interest” would be added to the case and formally served by Public First. Dkt. 65 at 7-8. If, once notified of the action, the Individuals do not “claim an interest relating to the subject of the action,” they are not necessary under HRCP 19(a)(2).

II. Leave to amend the Complaint should be granted in the alternative.

UH does not contest Public First's requested alternative relief to amend the complaint by adding the Individuals as Defendants. HRCp 15(a)(2). If the Court concludes the Individuals are "necessary," then the requested amendment should be granted.

CONCLUSION

Because the Individuals are not "necessary", Public First respectfully asks the Court to grant judgment in favor of Public First on UH's Seventh Defense or order informal notice. Alternatively Public Firsts asks for leave to amend the Complaint.

DATED: Honolulu, Hawai'i, October 14, 2026

/s/ Benjamin M. Creps
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Public First Law Center