

CIVIL MOTIONS CALENDAR
FIRST CIRCUIT
TENTH DIVISION

DATE: TUESDAY, AUGUST 15, 2017
JUDGE: HONORABLE JAMES H. ASHFORD, JUDGE PRESIDING
CLERK:
REPORTER:
BAILIFF/LAW CLERK: ROCHELLE SUGAWA

-----PAGE

1

9:00 A.M.

1CC 16-1-002120 PETER FRITZ
VS.

STATE OF HAWAII DEPT OF TAXATION

ROBERT BRIAN BLACK
FOR PETER FRITZ

GARY SHIRO SUGANUMA
FOR SOH DEPT OF TAX

#1 - PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT
(R. BLACK)

#2 - DEFENDANT DEPARTMENT OF TAXATION, STATE OF
HAWAII'S MOTION TO DISMISS (M. YOKOTA)

COURT REPORTER: SHARON HULIHEE
CLERK: D. NAKAGAWA
PRESENT: ROBERT BRIAN BLACK FOR PLTF
PETER FRITZ, PLTF
MARY YOKOTA FOR DEFT

9:15-9:35A

CASE CALLED AND APPEARANCES MADE.

COURT NOTED THAT IT RECENTLY GRANTED THE TAX
FOUNDATION OF HAWAII'S NON-HEARING MOTION TO FILE
AN AMICUS BRIEF. UPON DISCUSSION WITH COUNSEL,
WHO REPRESENTED NO INTENT TO FILE ANY FURTHER
BRIEFING, COURT DEEMED BRIEFING TO BE CLOSED.

COURT THEN ENTERTAINED ORAL ARGUMENT FROM
COUNSEL. MR. BLACK MADE ARGUMENT IN SUPPORT OF
THE MOTION FOR SUMMARY JUDGMENT. MR. BLACK STATED
THAT THEY ARE NOT DISPUTING THAT THE DOCUMENTS
REQUESTED WERE FULLY DISCLOSED. MOREOVER, THEY
MAINTAIN THAT MR. FRITZ IS THE PREVAILING PARTY
REGARDLESS OF COURT'S RULING ON THE MOTIONS.

MS. YOKOTA THEN PRESENTED HER ARGUMENT. MR.
BLACK MADE FURTHER ARGUMENT, WITH FINAL ARGUMENT
BY MS. YOKOTA.

COURT WILL TAKE THE MOTIONS UNDER ADVISEMENT.
COURT WILL ISSUE ITS RULING AFTER THE FILING OF
AND REVIEW OF THE AMICUS BRIEF.

CIVIL MOTIONS CALENDAR
FIRST CIRCUIT
TENTH DIVISION

DATE: TUESDAY, AUGUST 15, 2017
JUDGE: HONORABLE JAMES H. ASHFORD, JUDGE PRESIDING
CLERK:
REPORTER:
BAILIFF/LAW CLERK: ROCHELLE SUGAWA

-----PAGE

2

9/13/2017 MINUTE ORDER:

BOTH MOTIONS ARE DENIED DUE TO MOOTNESS. NO EXCEPTIONS TO THE MOOTNESS DOCTRINE APPLY. THE PLAINTIFF HAVING PREVAILED DUE TO DEFENDANT'S PRODUCTION OF THE SUBJECT DOCUMENTS, THE ONLY REMAINING ISSUE IS ATTORNEYS' FEES, EXPENSES, AND COSTS.

**

COPIES OF THIS MINUTE ORDER PROVIDED TO THE FOLLOWING PARTIES VIA CIRCUIT COURT JACKET AND/OR VIA USPS MAIL:

ROBERT BRIAN BLACK, ESQ.
CIVIL BEAT LAW CENTER FOR THE PUBLIC INTEREST
700 BISHOP STREET, SUITE 1701
HONOLULU, HAWAII 96813

**

MARY BAHNG YOKOTA, ESQ.
DEPT OF THE ATTORNEY GENERAL

**

THOMAS YAMACHIKA, ESQ.
126 QUEEN STREET, SUITE 304
HONOLULU, HAWAII 96813

DATE: 09-13-2017 BY ORDER OF THE COURT: *D. Nakagawa* CLERK