

Electronically Filed  
Supreme Court  
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SCPW NO. 18-0000733

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

CITY AND COUNTY OF HONOLULU,  
COUNTY OF HAWAI'I, COUNTY OF  
MAUI, COUNTY OF KAUA'I,

Petitioners,

vs.

STATE OF HAWAI'I; SCOTT NAGO, in  
his capacity as Chief Election Officer;  
RONALD D. KOUCHI, in his capacity as  
President of the Hawai'i Senate; SCOTT K.  
SAIKI, in his capacity as Speaker of the  
Hawai'i House,

Respondents.

ORIGINAL PROCEEDINGS

**STATE RESPONDENTS' EX PARTE MOTION TO DEEM STATE RESPONDENTS'  
ANSWER TO PETITIONER COUNTIES' PETITION FOR WRIT AS TIMELY FILED**

**DECLARATION OF VALRI LEI KUNIMOTO  
EXHIBITS A - D**

**CERTIFICATE OF SERVICE**

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Attorney General, State of Hawai'i

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STATE OF HAWAI'I; CHIEF ELECTION OFFICER SCOTT NAGO;  
SENATE PRESIDENT RONALD D. KOUCHI; HOUSE SPEAKER SCOTT K. SAIKI

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ORIGINAL PROCEEDINGS

DECLARATION OF VALRI LEI  
KUNIMOTO

**DECLARATION OF VALRI LEI KUNIMOTO**

I, VALRI LEI KUNIMOTO, under penalty of law, do hereby declare that the following is true and correct:

1. I am an attorney licensed to practice law in the State of Hawai‘i and I am a Deputy Attorney General and one of the attorneys of record for the State Respondents in this matter.
2. I have personal knowledge of and am competent to testify to the matters hereinafter stated.
3. On October 4, 2018, the Court issued an Order in this matter requiring Respondents to file an answer to the petition no later than 4:30 p.m. on Thursday, October 11, 2018.
4. On October 11, 2018, at approximately 4:15 p.m., we started to upload our answer for filing into the JEFS system. We made several attempts to file our answer and did not receive

an error message but were unable to upload the filing. We eventually concluded that the filing was too large and we needed to break the documents into smaller segments. We successfully filed our answer at approximately 4:41:15 p.m. See Attached Exhibit "A".

5. My Declaration with exhibits as shown in the attached screenshot was included with that filing, but not successfully transmitted. See Exhibit "B".

6. Petitioner City and County of Honolulu's counsel Robert Kohn, telephoned me shortly after 4:30 p.m. to ask whether the State had filed a response. I indicated that we were attempting to file the documents but were experiencing difficulty uploading the documents. Mr. Kohn kindly acknowledged the electronic receipt of the initial filing at approximately 4:49 p.m.

7. We continued to attempt to file my Declaration with exhibits but were unable to upload the files and filed the Declaration of Scott T. Nago and the Certificate of Service at approximately 5:13:58 p.m. See Exhibit "C".

8. At 5:29:28 p.m., we were able to complete the filing the remaining documents, i.e., my Declaration with exhibits. See Exhibit "D".

9. This is the first time that I have made a motion to allow the late filing of a pleading in the appellate court. I respectfully request that this Court allow the State Respondents' Answer to Petitioner Counties' Petition for Extraordinary Writ Seeking Pre-Election Relief, Filed on September 26, 2018 filed at 5:29 p.m. October 11, 2018 to be deemed timely filed and grant the State Respondents' motion.

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

DATED: Honolulu, Hawai'i, October 12, 2018.

/s/ Valri Lei Kunimoto  
Valri Lei Kunimoto