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FIRST CIRCUIT COURT  
STATE OF HAWAII  
FILED

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N. ANAYA  
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT  
STATE OF HAWAII

ANDREW WALDEN,

Plaintiff,

vs.

HI`ILEI ALOHA LLC; HO`OKELE  
PONO LLC; and HI`IPAKA LLC,

Defendants.

S.P. NO. 18-1-0301 JPC  
(Special Proceedings)

REPLY MEMORANDUM OF LAW IN  
SUPPORT OF MOTION FOR LEAVE  
TO FILE *AMICUS CURIAE*  
MEMORANDUM; AND CERTIFICATE  
OF SERVICE

NON-HEARING MOTION

JUDGE: Hon. Jeffrey P. Crabtree  
TRIAL: NONE

**REPLY MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR  
LEAVE TO FILE *AMICUS CURIAE* MEMORANDUM**

The Civil Beat Law Center for the Public Interest (Law Center) sought leave to file its *amicus curiae* memorandum because the Court and the parties struggled with issues concerning the Uniform Information Practices Act (Modified) (UIPA) at the October 10, 2018 hearing in this case. As explained in its motion, the Law Center is dedicated to issues of public access and thus has a special interest in the proper interpretation of the UIPA. The Law Center's *amicus* briefs on public access issues have been accepted by the Hawai`i Supreme Court, Intermediate Court of Appeals, and circuit court.

In light of the difficulties expressed at the October 10 hearing and the Court's request for supplemental briefing, the Law Center requested leave to submit a brief to

provide the Court with a framework to understand the issues raised by the parties based on the Law Center's experience in this area. There is no prejudice to the parties as the supplemental briefs have not been submitted yet and, if necessary, can address any issues raised by the *amicus* filing.<sup>1</sup> If after reviewing the proposed brief the Court concludes that it adds nothing of value to this case, the Law Center defers to the Court's discretion to accept or deny an *amicus curiae* brief. But the Law Center agreed with the initial assessment that the parties' briefing required supplementation, and the Law Center sought to assist the Court.

Based on the foregoing, the Law Center respectfully requests that the Court grant its motion for leave to file *amicus curiae* memorandum.

DATED: Honolulu, Hawai'i, November 9, 2018



ROBERT BRIAN BLACK  
*Attorney for Movant*

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<sup>1</sup> The Defendants' argument in this regard is unclear. At first, the Defendants claim that the Law Center is introducing new issues ("extraneous and misleading information and arguments"), but then claim the opposite ("serve only to extend and reiterate Applicant's arguments"). *E.g.*, Defs. Opp. at 4.

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CERTIFICATE OF SERVICE

**CERTIFICATE OF SERVICE**

I, R. Brian Black, certify that on November 9, 2018, I will serve a copy of the foregoing Reply Memorandum of Law in Support of Motion for Leave to File *Amicus Curiae* Memorandum on the following parties by U.S. mail, postage prepaid:

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DATED: Honolulu, Hawai'i, November 9, 2018

  
ROBERT BRIAN BLACK  
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