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1st CIRCUIT COURT
STATE OF HAWAII
FILED
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F. OTAKE
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

ANDREW WALDEN,
Applicant,

v.

HI'ILEI ALOHA LLC; HO'OKELE PONO
LLC; and HI'IPAKA LLC,
Respondents.

S.P. 18-1-0301 (JPC)
(Special Proceedings)

ANDREW WALDEN'S MEMORANDUM IN
SUPPORT OF CIVIL BEAT LAW CENTER
FOR THE PUBLIC INTEREST'S MOTION
FOR LEAVE TO FILE *AMICUS CURIAE*
MEMORANDUM, filed November 1, 2018;
CERTIFICATE OF SERVICE

NON-HEARING MOTION

JUDGE: Honorable Jeffrey P. Crabtree
TRIAL: No trial date set

ANDREW WALDEN'S MEMORANDUM IN SUPPORT OF CIVIL BEAT LAW CENTER
FOR THE PUBLIC INTEREST'S MOTION FOR LEAVE TO
FILE *AMICUS CURIAE* MEMORANDUM, filed November 1, 2018

Applicant ANDREW WALDEN ("Walden"), by and through his undersigned attorneys,
hereby submits his memorandum in support of the Civil Beat Law Center for the Public
Interest's Motion for Leave to File *Amicus Curiae* Memorandum, filed on November 1, 2018
(the "Motion").

There are six reasons why the Motion should be granted.

First, granting the Motion will not delay the proceedings as asserted by Respondents.

Second, Respondents will not be prejudiced by granting the Motion.


Third, as Respondents admit, granting or denying the Motion is within the Court's discretion.

Fourth, Respondents' argument in opposition to the Amicus Brief is premature since it has not been filed yet. Respondents will have an ample opportunity to file its response to the Amicus Brief once filed.

Fifth, because Civil Beat is a "person" as defined in section 92F-3 and a member of the press, it has a constitutional right to investigate and report on government activities. That is precisely why Walden filed this action in the first place – to open financial records of state agencies (the LLCs) to public scrutiny.

Finally, because Civil Beat's proposed amicus curiae brief provides additional reasons grounded in the facts and law why the LLCs are state agencies under section 92F and required to disclose the records requested by Walden, it will be helpful to the Court's ultimate decision. *Ryan v. Commodity Futures Trading Comm'n*, 125 F.3d 1062, 1064 (7th Cir. 1997) (motion may be granted when "the *amicus* has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.").

DATED: Honolulu, Hawai'i, November 14, 2018.



MICHAEL A. LILLY
Attorney for Applicant
ANDREW WALDEN

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
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CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE


The undersigned hereby certifies that a true and correct copy of the foregoing document will be duly served upon the following party, at the address shown below, by hand delivery, on November 14, 2018:

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DATED: Honolulu, Hawai'i, November 14, 2018.



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ANDREW WALDEN