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**Electronically Filed
FIRST CIRCUIT
1CCV-24-0000050
25-MAR-2025
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Attorneys for Movant
PUBLIC FIRST LAW CENTER

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

PUBLIC FIRST LAW CENTER,

Plaintiff,

vs.

DEFENDER COUNCIL; JON N.
IKENAGA; and AGRIBUSINESS
DEVELOPMENT CORPORATION
BOARD OF DIRECTORS,

Defendants.

CIVIL NO. 1CCV-24-0000050
(Other Civil Action)

DECLARATION OF COUNSEL;
EXHIBITS "29" - "34"

DECLARATION OF COUNSEL

1. I, Benjamin M. Creps, am an attorney for Movant Public First Law Center (Public First) and submit this declaration based on personal knowledge, except as otherwise provided.

2. Attached as **Exhibit 29** is a true and correct copy of Defendant Defender Council's (Council) First Amended Written Answers to Plaintiff's First Request for Admissions, dated March 7, 2025 (Admissions).

3. The Council's Admissions authenticate the meeting minutes and agenda submitted in support of Public First's motion for summary judgment filed October 23, 2024 (First DC Motion). See Ex. 29, Response Nos. 35, 36, 37, 38, 39, 40, 41, 42, 43, 44.

4. Attached as **Exhibit 30** is a true, correct, and verified copy of the Council's Written Answers to Plaintiff's First Set of Interrogatories, dated February 7, 2025.

5. Attached as **Exhibit 31** is a true and correct copy of letters of interest, resumes, and other materials submitted to the Council by candidates for State Public Defender, produced by the Council through discovery and identified by bates range DC000030 - DC000064, DC000104 - DC000117, DC000146 - DC000165, and DC000196 - DC000200.

6. Attached as **Exhibit 32** is a true and correct copy of the Council's candidate interview questions and scoring sheets, produced by the Council through discovery and identified by bates range DC000219 - DC000251.

7. The materials attached as Exhibit 31 and 32 were previously produced to me on November 15, 2023 in response to a public records request, in exactly the same form, except for the addition of bates stamping. Our office maintains these records in our files in the normal course of business.

8. Attached as **Exhibit 33** is a true and correct Notice to Requester dated November 15, 2023 and issued by the Council in response to the above-referenced public records request.

9. Attached as **Exhibit 34** is a true and correct copy of the Council's Written Response to Plaintiff's First Request for Production of Documents, dated February 7, 2025.

I declare under penalty of law that the foregoing is true and correct to the best of my knowledge.

DATED: Honolulu, Hawai'i, March 25, 2025

/s/ Benjamin M. Creps
BENJAMIN M. CREPS

Exhibit "29"

ANNE E. LOPEZ 7609
Attorney General for the State of Hawai'i

AMANDA J. WESTON 7496
DAVID N. MATSUMIYA 9640
Deputy Attorneys General
Department of the Attorney General
State of Hawai'i
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david.n.matsumiya@hawaii.gov

Attorneys for Defendants
DEFENDER COUNCIL, JON N. IKENAGA, AND
AGRIBUSINESS DEVELOPMENT CORPORATION
BOARD OF DIRECTORS

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

PUBLIC FIRST LAW CENTER,

Plaintiff,

vs.

DEFENDER COUNCIL; JON N. IKENAGA;
and AGRIBUSINESS DEVELOPMENT
CORPORATION BOARD OF DIRECTORS,

Defendants.

CIVIL NO.: 1CCV-24-0000050
(Other Civil Action)

DEFENDANT DEFENDER COUNCIL'S
FIRST AMENDED WRITTEN ANSWERS
TO *PLAINTIFF'S FIRST REQUESTS FOR
ADMISSION TO DEFENDANT DEFENDER
COUNCIL DATED NOVEMBER 29, 2024*

Judge: Honorable Jordon J. Kimura
Trial: June 23, 2025

**DEFENDANT DEFENDER COUNCIL'S FIRST AMENDED WRITTEN
ANSWERS TO PLAINTIFF'S FIRST REQUESTS FOR ADMISSION
TO DEFENDANT DEFENDER COUNCIL DATED NOVEMBER 29, 2024**

Defendant DEFENDER COUNCIL ("**Defendant DC**"), by and through Anne E. Lopez, Attorney General for the State of Hawai'i, and its attorneys Amanda J. Weston and David N. Matsumiya, Deputy Attorneys General, hereby submits its first amended answers to *Plaintiff's First Requests for Admission to Defender Council*, dated November 29, 2024 ("**Plaintiff's Admissions**") as follows:

GENERAL OBJECTIONS AND STATEMENTS

1. Defendant DC objects to each request for admission in Plaintiff's Admissions to the extent that the requests seek the disclosure of privileged information, information that is protected work product, and information concerning documents and tangible things prepared in anticipation of litigation or trial.
2. Defendant DC objects to each request for admission in Plaintiff's Admissions to the extent that the requests seek information that is immaterial and irrelevant to the subject matter of this action.
3. Defendant DC objects to each request for admissions in Plaintiff's Admissions to the extent that the requests are unreasonably burdensome, oppressive, or vexatious in that the information so acquired would be of little or no relevance to the issues in this case, and/or would place an unreasonable and oppressive burden on Defendant DC in the expenditure of time, cost, and money.
4. Defendant DC objects to each request for admission in Plaintiff's Admissions to the extent that the requests are so broad, uncertain, and unintelligible that Defendant DC cannot determine the nature of the information sought, and to which Defendant DC, therefore is unable to respond.
5. Defendant DC objects to each request for admission in Plaintiff's Admissions to the extent that the requests seek information that is as easily available to Plaintiff PUBLIC FIRST LAW CENTER as it is to Defendant DC.
6. Defendant DC objects to each request for admissions in Plaintiff's Admissions to the extent that the requests seek information for which the required good cause or substantial need, as dictated by applicable statutes, court rules and case laws, has not been shown.
7. Defendant DC does not concede that any of its answers, responses, or documents will be admissible evidence at trial. Further, Defendant DC does not waive any objections, whether or not stated herein, to use such answers, responses, or documents at trial.
8. Defendant DC states that its discovery, investigation, and trial preparation are ongoing and have not been completed. Any and all answers to Plaintiff's Admissions are based only on the documentation available to Defendant DC at the time that its responses and objections were prepared. Defendant DC reserves its right to supplement its responses as necessary and appropriate.

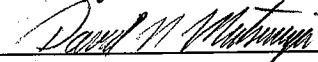
9. All specific answers, responses, and objections are made without waiving any of these general objections and statements.

10. Without waiving any of the foregoing objections, which Defendant DC incorporates by reference in its answers, responses, and objections to each of the following individual request for Admissions as if fully set forth therein, Defendant DC further responds and objects to the individual request for Admissions as follows.

DATED: Honolulu, Hawai'i, March 7, 2025.

ANNE E. LOPEZ

Attorney General for the State of Hawai'i



AMANDA J. WESTON

DAVID N. MATSUMIYA

Deputy Attorneys General

Attorneys for Defendants

DEFENDER COUNCIL, JON N. IKENAGA, AND
AGRIBUSINESS DEVELOPMENT CORPORATION
BOARD OF DIRECTORS

REQUESTS FOR ADMISSION

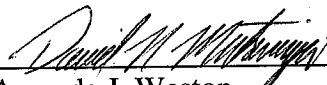
1. Admit that the Council amended the agenda for its June 16, 2023 meeting at the June 16, 2023 meeting.

Admit: X Deny:

2. Admit that the Council amended the agenda at the June 16, 2023 meeting to add to the agenda a discussion about the Council's hiring process for the State Public Defender.

Admit: Deny:

OBJECTION: Defendant DC further objects to this request for admission on the grounds that the term "discussion," which is not defined by Plaintiff, is vague and ambiguous. According to *Webster's New College Dictionary (Third Edition)*, "discussion" has a couple of meanings, including but not limited to the following: 1) Informal group consideration of a topic; or 2) a formal discourse upon a topic: exposition.



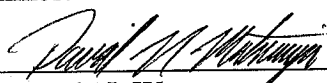
Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objection, Defendant DC admits that it amended the agenda for the June 16, 2023 meeting, at the June 16, 2023 meeting, to add to the agenda a formal oral expression (or announcement) regarding the selection process to appoint and hire the State Public Defender.

3. Admit that the hiring process for State Public Defender is a matter of "reasonably major importance."

Admit: Deny:

OBJECTION: Defendant DEFENDER COUNCIL ("**Defendant DC**") objects to this request for admission on the grounds that the phrase "reasonably major importance," which is not defined by Plaintiff PUBLIC FIRST LAW CENTER ("**Plaintiff**"), is vague and ambiguous. Defendant DC further objects to this request for admission on the grounds that the phrase "reasonably major importance" appears to call for a legal conclusion, which the trier-of-fact determines.



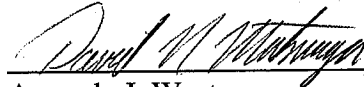
Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objection, Defendant DC denies this request for admission in its entirety.

4. Admit that the hiring process for State Public Defender is a matter that affects “a significant number of persons”

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that the phrase “a significant number of persons,” which is not defined by Plaintiff, is vague and ambiguous. Defendant DC further objects to this request for admission on the grounds that the phrase “a significant number of persons” appears to call for a legal conclusion, which the trier-of-fact determines.



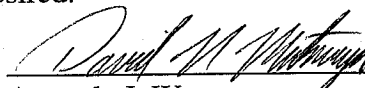
Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objection, Defendant DC denies this request for admission in its entirety.

5. Admit that the Council did not solicit public testimony regarding the motion to amend the agenda or regarding the hiring process for the State Public Defender during the June 16, 2023 meeting.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that the term “solicit,” which is not defined by Plaintiff, is vague and ambiguous. According to *Webster’s New College Dictionary (Third Edition)*, “solicit” has several meanings, including but not limited to the following: 1) to try to obtain by entreaty, persuasion, or formal application; 2) to petition persistently: importune; 3) to entice into evil or illegal action; 4) to approach with an offer of sexual service; or 5) to make solicitation or petition for something desired.



Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

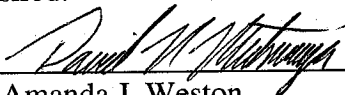
ANSWER: Without waiving the foregoing objection, Defendant DC admits that it did not provide interested persons with an opportunity to present testimony regarding Defendant DC’s proposed motion to amend the agenda. Defendant DC further admits that it did not provide interested persons with an opportunity to present testimony regarding Defendant DC’s formal oral expression (or

announcement) regarding the selection process to appoint and hire the State Public Defender.

6. Admit that the Council only solicited public testimony during the "Public testimony" agenda item at the beginning of the June 16, 2023 meeting.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that the term "solicited," which is not defined by Plaintiff, is vague and ambiguous. According to *Webster's New College Dictionary (Third Edition)*, "solicited" has several meanings, including but not limited to the following: 1) to try to obtain by entreaty, persuasion, or formal application; 2) to petition persistently; importune; 3) to entice into evil or illegal action; 4) to approach with an offer of sexual service; or 5) to make solicitation or petition for something desired.



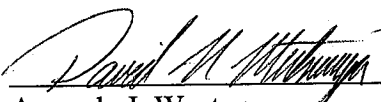
Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objection, Defendant DC admits that it did not provide interested persons with additional opportunities to present testimony regarding any agenda item and/or motion after they initially provided interested persons with an opportunity to present testimony at the beginning of its June 16, 2023 meeting, with said comment period being opened at 10:06 a.m.

7. Admit that the Council discussed the selection process for State Public Defender in executive session on June 16, 2023.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that the term "discussed," which is not defined by Plaintiff, is vague and ambiguous. According to *Webster's New College Dictionary (Third Edition)*, "discussed" has a couple of meanings, including but not limited to the following: 1) to speak together about; talk over; or 2) to examine (a subject) in speech or writing. Although this definition may appear clear, it does not make clear to what extent the topic has to be spoken together about, talked over, or examined in order to be "discussed" – in other words, is a simple reference to the topic enough to qualify as the topic being "discussed."



Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

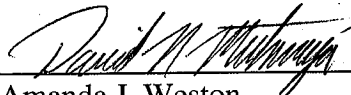
ANSWER: Without waiving the foregoing objection, Defendant DC admits that the need to create a selection process for the State Public Defender was brought up during the Executive Session portion of the meeting.

With regard to how the need to create a selection process for State Public Defender was brought up, Defendant DC has made a good faith effort to question everyone who attended the June 16, 2023 Executive Session portion of the meeting to determine what they independently recall from the meeting. Unfortunately, Defendant DC has not been able to question everyone who attended the June 16, 2023 Executive Session portion of the meeting. However, based on the information that was gathered, the need to create a selection process for the State Public Defender came up because one of the participants in the Executive Session portion of the meeting remembered that the State Public Defender's appointment was expiring in January 2024.

8. Admit that the Council did not have a basis under HRS § 92-5 to hold the *entirety* of the discussion, regarding the selection process of the State Public Defender, in executive session on June 16, 2023.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that it calls for a legal conclusion, which the trier-of-fact determines. Defendant DC further objects to this request for admission on the grounds that the term "discussion," which is not defined by Plaintiff, is vague and ambiguous. According to *Webster's New College Dictionary (Third Edition)*, "discussion" has a couple of meanings, including but not limited to the following: 1) Informal group consideration of a topic; or 2) a formal discourse upon a topic: exposition.

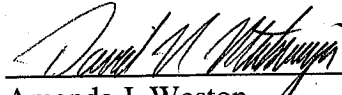

Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objection, Defendant DC denies this request for admission in its entirety.

9. Admit that a portion of the executive session on June 16, 2023 was not directly related to a HRS § 92-5 purpose.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that it calls for a legal conclusion, which the trier-of-fact determines.



Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objection, Defendant DC denies this request for admission in its entirety.

10. Admit that the Council only solicited public testimony during the “Public testimony” agenda item at the beginning of the August 4, 2023 meeting.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that the term “solicited,” which is not defined by Plaintiff, is vague and ambiguous. According to *Webster’s New College Dictionary (Third Edition)*, “solicited” has several meanings, including but not limited to the following: 1) to try to obtain by entreaty, persuasion, or formal application; 2) to petition persistently; importune; 3) to entice into evil or illegal action; 4) to approach with an offer of sexual service; or 5) to make solicitation or petition for something desired.



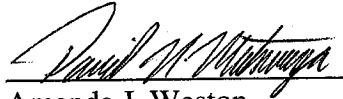
Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objection, Defendant DC admits that it did not provide interested persons with an opportunity to present testimony after it opened the meeting up for public testimony at 10:09 a.m.

11. Admit that the Council discussed the hiring process for State Public Defender in executive session on August 4, 2023.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that the term “discussed,” which is not defined by Plaintiff, is vague and ambiguous. According to *Webster’s New College Dictionary (Third Edition)*, “discussed” has a couple of meanings, including but not limited to the following: 1) to speak together about: talk over; or 2) to examine (a subject) in speech or writing. Although this definition may appear clear, it does not make clear to what extent the topic has to be spoken together about, talked over, or examined in order to be “discussed” – in other words, is a simple reference to the topic enough to qualify as the topic being “discussed.”



Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objection, Defendant DC admits that the members of Defendant DC spoke with one another about the following with regard to the selection process for the State Public Defender: 1) the due dates and deadlines for the selection process; 2) the wording of the position announcement; and 3) the process for receiving public comment in a confidential manner.

12. Admit that the Council did not have a basis under HRS § 92-5 to hold the *entirety* of the discussion, regarding the hiring process for the State Public Defender, in executive session on August 4, 2023.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that it calls for a legal conclusion, which the trier-of-fact determines. Defendant DC further objects to this request for admission on the grounds that the term “discussion,” which is not defined by Plaintiff, is vague and ambiguous. According to *Webster’s New College Dictionary (Third Edition)*, “discussion” has a couple of meanings, including but not limited to the following: 1) Informal group consideration of a topic; or 2) a formal discourse upon a topic: exposition.



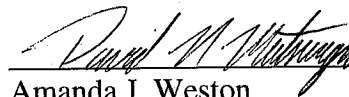
Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objection, Defendant DC denies this request for admission in its entirety.

13. Admit that a portion of the executive session on August 4, 2023, was not directly related to a HRS § 92-5 purpose.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that it calls for a legal conclusion, which the trier-of-fact determines.



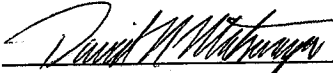
Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objection, Defendant DC denies this request for admission in its entirety.

14. Admit that the Council interviewed candidates for State Public Defender in executive session on October 4, 2023.

Admit: X Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that the term “interviewed,” which is not defined by Plaintiff, is vague and ambiguous and subject to multiple interpretations. According to *Webster’s New College Dictionary (Third Edition)*, “interviewed” has several meanings, including but not limited to the following: 1) to gain an interview from; or 2) to have an interview. “Interview,” according to *Webster’s New College Dictionary (Third Edition)*, has several meanings, including but not limited to the following: 1) a formal face-to-face meeting, esp. one arranged for evaluating the qualifications of an applicant, as for employment; 2) a conversation, as one conducted by a reporter, in which information is elicited from another; or 3) an account or reproduction of such a conversation.



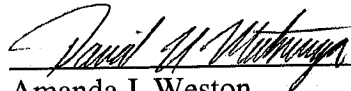
Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objections, Defendant DC admits that Defendant DC conducted formal face-to-face meetings for the evaluation of the qualifications of the candidates for the State Public Defender position (hereinafter referred to as the “Candidates”) in Executive Session on October 4, 2023 because the Candidates would be asked questions that would require the disclosure of personal and private information about the Candidates.

15. Admit that the Council discussed the candidates for State Public Defender in executive session on October 4, 2023.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that the term “discussed,” which is not defined by Plaintiff, is vague and ambiguous. According to *Webster’s New College Dictionary (Third Edition)*, “discussed” has a couple of meanings, including but not limited to the following: 1) to speak together about: talk over; or 2) to examine (a subject) in speech or writing. Although this definition may appear clear, it does not make clear to what extent the topic has to be spoken together about, talked over, or examined in order to be “discussed” – in other words, is a simple reference to the topic enough to qualify as the topic being “discussed.”



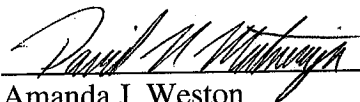
Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objections, Defendant DC admits that the members of Defendant DC spoke with one another about the Candidates in Executive Session on October 4, 2023, because the conversations regarding the Candidates included comments about the Candidates' responses to Defendant DC's questions, which included personal and private information about the Candidates.

16. Admit that the Council discussed the qualifications of the candidates for State Public Defender in executive session on October 4, 2023.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that the term "discussed," which is not defined by Plaintiff, is vague and ambiguous. According to *Webster's New College Dictionary (Third Edition)*, "discussed" has a couple of meanings, including but not limited to the following: 1) to speak together about: talk over; or 2) to examine (a subject) in speech or writing. Although this definition may appear clear, it does not make clear to what extent the topic has to be spoken together about, talked over, or examined in order to be "discussed" – in other words, is a simple reference to the topic enough to qualify as the topic being "discussed."



Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

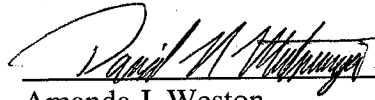
ANSWER: Without waiving the foregoing objections, Defendant DC admits that the members of Defendant DC spoke with one another about the qualifications of the Candidates in Executive Session on October 4, 2023, because the conversations regarding the qualifications of the Candidates included comments about the Candidates' prior work experiences, which were not all a matter of public record and might be considered personal and private by the Candidates.

17. Admit that the Council discussed the candidate responses to the Council's interview questions in executive session on October 4, 2023.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that the term "discussed," which is not defined by Plaintiff, is vague and ambiguous. According to *Webster's New College Dictionary (Third Edition)*, "discussed" has a

couple of meanings, including but not limited to the following: 1) to speak together about: talk over; or 2) to examine (a subject) in speech or writing. Although this definition may appear clear, it does not make clear to what extent the topic has to be spoken together about, talked over, or examined in order to be “discussed” – in other words, is a simple reference to the topic enough to qualify as the topic being “discussed.”



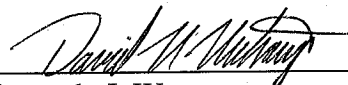
Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objections, Defendant DC admits that the members of Defendant DC spoke with one another about the responses provided by Candidates to Defendant DC’s questions in Executive Session on October 4, 2023, because the Candidates’ responses to the Defendant DC’s questions included information that was personal and private to the Candidates.

18. Admit that the Council discussed the management plans of the candidates for State Public Defender in executive session on October 4, 2023.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that the term “discussed,” which is not defined by Plaintiff, is vague and ambiguous. According to *Webster’s New College Dictionary (Third Edition)*, “discussed” has a couple of meanings, including but not limited to the following: 1) to speak together about: talk over; or 2) to examine (a subject) in speech or writing. Although this definition may appear clear, it does not make clear to what extent the topic has to be spoken together about, talked over, or examined in order to be “discussed” – in other words, is a simple reference to the topic enough to qualify as the topic being “discussed.”



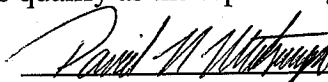
Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objections, Defendant DC admits that the members of Defendant DC spoke with one another about the Candidates’ management plans in Executive Session on October 4, 2023, because the Candidates’ management plans could be viewed by the Candidates as their personal management plan, which the Candidates may believe they exclusively own.

19. Admit that the Council discussed the “visions” held by each the candidate for the Office of the Public Defender in executive session on October 4, 2023.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that the term “discussed,” which is not defined by Plaintiff, is vague and ambiguous. According to *Webster’s New College Dictionary (Third Edition)*, “discussed” has a couple of meanings, including but not limited to the following: 1) to speak together about: talk over; or 2) to examine (a subject) in speech or writing. Although this definition may appear clear, it does not make clear to what extent the topic has to be spoken together about, talked over, or examined to be “discussed” – in other words, is a simple reference to the topic enough to qualify as the topic being “discussed.”



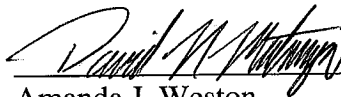
Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objections, Defendant DC admits that the members of Defendant DC spoke with one another about the Candidates’ “visions” for the Office of the Public Defender in Executive Session on October 4, 2023, because the Candidates’ “visions” for the Office of the Public Defender could be viewed by the Candidates as their personal “vision,” which the Candidates may believe they exclusively own.

20. Admit that the Council did not have a basis under HRS § 92-5 to hold the *entirety* of the discussion, regarding the candidates for State Public Defender, in executive session on October 4, 2023.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that it calls for a legal conclusion, which the trier-of-fact determines. Defendant DC further objects to this request for admission on the grounds that the term “discussion,” which is not defined by Plaintiff, is vague and ambiguous. According to *Webster’s New College Dictionary (Third Edition)*, “discussion” has a couple of meanings, including but not limited to the following: 1) Informal group consideration of a topic; or 2) a formal discourse upon a topic: exposition.



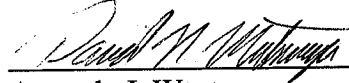
Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objection, Defendant DC denies this request for admission in its entirety.

21. Admit that a portion of the executive session on October 4, 2023, was not directly related to a HRS § 92-5 purpose.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that it calls for a legal conclusion, which the trier-of-fact determines.



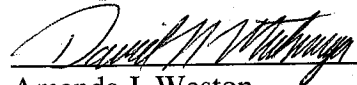
Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objection, Defendant DC denies this request for admission in its entirety.

22. Admit that the Council did not publish online regular session meeting minutes for its October 4, 2023 meeting.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that the term “publish,” which is not defined by Plaintiff, is vague and ambiguous. According to *Webster’s New College Dictionary (Third Edition)*, “publish” has several meanings, including but not limited to the following: 1) to issue and prepare (printed material) for public distribution or sale; 2) to bring to public notice: announce; 3) to issue a publication; or 4) to be the author of a published work or works.



Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

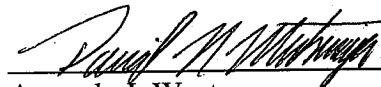
ANSWER: Without waiving the foregoing objection, Defendant DC admits that that it did not make the October 4, 2023 meeting minutes available to the public by posting on Defendant DC’s website.

23. Admit that the Council did not record regular session meeting minutes for its October 4, 2023 meeting.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that the term “record,” which is not defined by Plaintiff, is vague and ambiguous. According to *Webster’s New College Dictionary (Third Edition)*, “record” has several meanings, including but not limited to the following: 1) to set down for preservation in

writing or other permanent form; 2) to register: indicate; 3) to register (sound) in permanent form by electrical or mechanical means for reproduction; 4) an account, as of information, set down especially in writing as a way of preserving knowledge; 5) something on which such an account is made; 6) something that records; 7) information or data on a specific subject collected and preserved; 8) known history of performance or achievement; 9) the best performance known, as in a sport; 10) an account officially written and kept as evidence or testimony; 11) an account of judicial or legislative proceedings written and kept as evidence; 12) the documents or volumes of holding such evidence; 13) a disk designed for playing on a phonograph; 14) something, as magnetic tape, on which sound or visual images have been recorded; or 15) a collection of related data treated as a unit.



Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

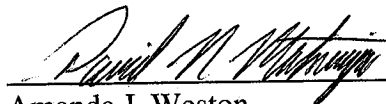
ANSWER: Defendant DC denies that it did not keep track of what was said and done at the October 4, 2023 regular meeting.

With regard to Defendant DC keeping track of what was said and done at the October 4, 2023 regular meeting, Defendant DC has made a good faith effort to question everyone who attended the October 4, 2023 regular meeting to determine what they independently recall from the meeting regarding the tracking of what was said and done. Unfortunately, Defendant DC has not been able to question everyone who attended the October 4, 2023 regular meeting. At this time, Defendant DC is unable to definitively determine why it did not make the October 4, 2023 regular meeting minutes available to the public.

24. Admit that the Council did not hold any portion of the October 4, 2023 meeting open to the public.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that the term “hold,” which is not defined by Plaintiff, is vague and ambiguous. According to *Webster’s New College Dictionary (Third Edition)*, “hold” has several meanings, including but not limited to the following: 1) to have and keep in one’s grasp; 2) to receive or be able to receives as content: contain; 3) to have an maintain in one’s possession; 4) to impose control or restraint upon: check; 5) to maintain in a given condition or action; 6) to be the legal possessor of; 7) to comport: carry; 8) to keep in the mind or heart: harbor, as a grudge; 9) to have or occupy; or 10) to cause to take place.



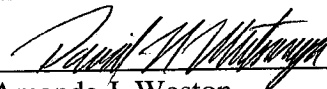
Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objection, Defendant DC denies that it did not cause any portion of the October 4, 2023 meeting to take place in front of the public.

25. Admit that the Council did not solicit any public testimony at the October 4 meeting.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that the term “solicit,” which is not defined by Plaintiff, is vague and ambiguous. According to *Webster’s New College Dictionary (Third Edition)*, “solicit” has several meanings, including but not limited to the following: 1) to try to obtain by entreaty, persuasion, or formal application; 2) to petition persistently: importune; 3) to entice into evil or illegal action; 4) to approach with an offer of sexual service; or 5) to make solicitation or petition for something desired.




Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objection, Defendant DC admits that it does not believe it provided interested persons with an opportunity to present testimony on any agenda item at any point during the October 4, 2023 regular meeting.

26. Admit that the Council did not publicly announce the purpose of the executive session or vote to enter executive session at the October 4, 2023 meeting.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that the term “purpose,” which is not defined by Plaintiff, is vague and ambiguous. According to *Webster’s New College Dictionary (Third Edition)*, “purpose” has several meanings, including but not limited to the following: 1) the object toward which one strives or for which something exists: goal; 2) a desired or intended result or effect; 3) determination: resolution; or 4) the matter at hand.


Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General


ANSWER: Without waiving the foregoing objection, Defendant DC denies that it did not announce to the public that the job interviews of the Candidates would be held in Executive Session. Defendant DC further denies that its vote to enter into Executive Session was not conducted in front of the public.

With regard to Defendant DC vote to enter into Executive Session, Defendant DC has made a good faith effort to question everyone who attended the October 4, 2023 regular meeting to determine what they independently recall from the meeting. Unfortunately, Defendant DC has not been able to question everyone who attended the October 4, 2023 regular meeting. However, based on the information that was gathered, it appears that Defendant DC did vote to enter into executive session during the regular meeting.

27. Admit that the Council discussed the candidates for State Public Defender in executive session on November 2, 2023.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that the term “discussed,” which is not defined by Plaintiff, is vague and ambiguous. According to *Webster’s New College Dictionary (Third Edition)*, “discussed” has a couple of meanings, including but not limited to the following: 1) to speak together about; talk over; or 2) to examine (a subject) in speech or writing. Although this definition may appear clear, it does not make clear to what extent the topic has to be spoken together about, talked over, or examined to be “discussed” – in other words, is a simple reference to the topic enough to qualify as the topic being “discussed.”

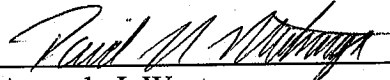

Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objections, Defendant DC admits that the members of Defendant DC spoke with one another about the Candidates in Executive Session on November 2, 2023, because the conversations regarding the Candidates included comments submitted by the Candidates, which included personal and private information about the Candidates.

28. Admit that the Council discussed the qualifications of the candidates for State Public Defender in executive session on November 2, 2023.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that the term “discussed,” which is not defined by Plaintiff, is vague and ambiguous. According to *Webster’s New College Dictionary (Third Edition)*, “discussed” has a couple of meanings, including but not limited to the following: 1) to speak together about: talk over; or 2) to examine (a subject) in speech or writing. Although this definition may appear clear, it does not make clear to what extent the topic has to be spoken together about, talked over, or examined to be “discussed” – in other words, is a simple reference to the topic enough to qualify as the topic being “discussed.”



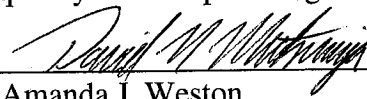
Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objections, Defendant DC admits that the members of Defendant DC spoke with one another about the qualifications of the Candidates in Executive Session on November 2, 2023, because the conversations regarding the qualifications of the Candidates included comments about the Candidates’ prior work experiences, which were not all a matter of public record and might be considered personal and private by the Candidates.

29. Admit that the Council discussed the responses to interview questions of the candidates for State Public Defender in executive session on November 2, 2023.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that the term “discussed,” which is not defined by Plaintiff, is vague and ambiguous. According to *Webster’s New College Dictionary (Third Edition)*, “discussed” has a couple of meanings, including but not limited to the following: 1) to speak together about: talk over; or 2) to examine (a subject) in speech or writing. Although this definition may appear clear, it does not make clear to what extent the topic has to be spoken together about, talked over, or examined to be “discussed” – in other words, is a simple reference to the topic enough to qualify as the topic being “discussed.”



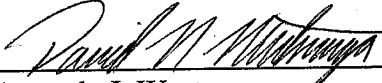
Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objections, Defendant DC admits that the members of Defendant DC spoke with one another about the responses provided by Candidates to Defendant DC’s questions in Executive Session on November 2, 2023, because the Candidates’ responses to the Defendant DC’s questions included information that was personal and private to the Candidates.

30. Admit that the Council discussed the management plans of the candidates for State Public Defender in executive session on November 2, 2023.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that the term “discussed,” which is not defined by Plaintiff, is vague and ambiguous. According to *Webster’s New College Dictionary (Third Edition)*, “discussed” has a couple of meanings, including but not limited to the following: 1) to speak together about: talk over; or 2) to examine (a subject) in speech or writing. Although this definition may appear clear, it does not make clear to what extent the topic has to be spoken together about, talked over, or examined in order to be “discussed” – in other words, is a simple reference to the topic enough to qualify as the topic being “discussed.”



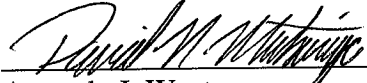
Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objections, Defendant DC admits that the members of Defendant DC spoke with one another about the Candidates’ management plans in Executive Session on November 2, 2023, because the Candidates’ management plans could be viewed by the Candidates as their personal management plan, which the Candidates may believe they exclusively own.

31. Admit that the Council evaluated the candidates for State Public Defender in executive session on November 2, 2023.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that the term “evaluated,” which is not defined by Plaintiff, is vague and ambiguous. According to *Webster’s New College Dictionary (Third Edition)*, “evaluated” has several meanings, including but not limited to the following: 1) to determine of fix the value of; 2) to examine carefully: appraise; or 3) to calculate or set down the numerical value of.”



Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objections, Defendant DC admits that it compared the candidates to one another in Executive Session on November 2, 2023, because Defendant DC’s comparison included an analysis of the candidates’

answers/responses to Defendant DC's questions, which included information that was personal and private to the candidate.

32. Admit that each member of the Council identified or discussed their candidate selection preference in executive session on November 2, 2023.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that the term "discussed," which is not defined by Plaintiff, is vague and ambiguous. According to *Webster's New College Dictionary (Third Edition)*, "discussed" has a couple of meanings, including but not limited to the following: 1) to speak together about: talk over; or 2) to examine (a subject) in speech or writing. Although this definition may appear clear, it does not make clear to what extent the topic has to be spoken together about, talked over, or examined in order to be "discussed" – in other words, is a simple reference to the topic enough to qualify as the topic being "discussed."



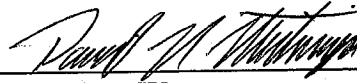
Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objections, Defendant DC admits that it compared the candidates to one another and had conversations regarding the member's preference in Executive Session on November 2, 2023, because Defendant DC's comparison and conversation included an analysis of the candidates' answers/responses to Defendant DC's questions, which included information that was personal and private to the candidate.

33. Admit that the Council did not have a basis under HRS § 92-5 to hold the *entirety* of the discussion, regarding the candidates for State Public Defender, in executive session on November 2, 2023.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that it calls for a legal conclusion, which the trier-of-fact determines. Defendant DC further objects to this request for admission on the grounds that the term "discussion," which is not defined by Plaintiff, is vague and ambiguous. According to *Webster's New College Dictionary (Third Edition)*, "discussion" has a couple of meanings, including but not limited to the following: 1) Informal group consideration of a topic; or 2) a formal discourse upon a topic: exposition.

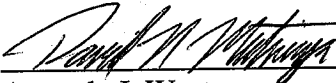

Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objection, Defendant DC denies this request for admission in its entirety.

34. Admit that a portion of the executive session on November 2, 2023, was not directly related to a HRS § 92-5 purpose.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that it calls for a legal conclusion, which the trier-of-fact determines.

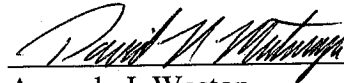

Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objection, Defendant DC denies this request for admission in its entirety.

35. Admit that the agenda attached to Public First's Motion for Partial Summary Judgment as Exhibit 10 is a true, correct, and authentic copy of the Council's June 16, 2023 agenda that was posted to the State Calendar pursuant to HRS § 92-7. *See* Dkt. 61 at Ex. 10.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that it calls for a legal conclusion, which the trier-of-fact determines.

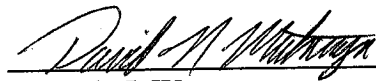

Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objections, Defendant DC admits that Exhibit 10 to Plaintiff's Motion for Partial Summary Judgment is a true and correct copy of Defendant DC's agenda for its June 16, 2023, meeting.

36. Admit that the agenda attached to Public First's Motion for Partial Summary Judgment as Exhibit 12 is a true, correct, and authentic copy of the Council's August 4, 2023 agenda that was posted to the State Calendar pursuant to HRS § 92-7. *See* Dkt. 61 at Ex. 12.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that it calls for a legal conclusion, which the trier-of-fact determines.



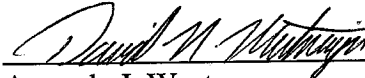
Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objections, Defendant DC admits that Exhibit 12 to Plaintiff's Motion for Partial Summary Judgment is a true and correct copy of Defendant DC's agenda for its August 4, 2023, meeting.

37. Admit that the agenda attached to Public First's Motion for Partial Summary Judgment as Exhibit 15 is a true, correct, and authentic copy of the Council's October 4, 2023 agenda that was posted to the State Calendar pursuant to HRS § 92-7. See Dkt. 61 at Ex. 15.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that it calls for a legal conclusion, which the trier-of-fact determines.



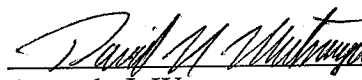
Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objections, Defendant DC admits that Exhibit 15 to Plaintiff's Motion for Partial Summary Judgment is a true and correct copy of Defendant DC's agenda for its October 4, 2023, meeting.

38. Admit that the minutes attached to Public First's Motion for Partial Summary Judgment as Exhibit 11 are a true, correct, and authentic copy of the Council's June 16, 2023 regular session meeting minutes that were prepared and posted on the Council's website pursuant to HRS § 92-9. See Dkt. 61 at Ex. 11.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that it calls for a legal conclusion, which the trier-of-fact determines.



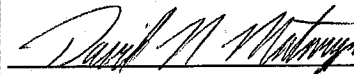
Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objections, Defendant DC admits that Exhibit 11 to Plaintiff's Motion for Partial Summary Judgment is a true and correct copy of Defendant DC's June 16, 2023 regular session meeting minutes.

39. Admit that the minutes attached to Public First's Motion for Partial Summary Judgment as Exhibit 13 are a true, correct, and authentic copy of the Council's August 4, 2023 regular session meeting minutes that were prepared and posted on the Council's website pursuant to HRS § 92-9. *See* Dkt. 61 at Ex. 13.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that it calls for a legal conclusion, which the trier-of-fact determines.



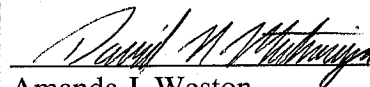
Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objections, Defendant DC admits that Exhibit 13 to Plaintiff's Motion for Partial Summary Judgment is a true and correct copy of Defendant DC's August 4, 2023 regular session meeting minute.

40. Admit that the minutes attached to Public First's Motion for Partial Summary Judgment as Exhibit 14 are a true, correct, and authentic copy of the Council's August 4, 2023 *executive* session meeting minutes that were disclosed as a public record by the Council pursuant to HRS chapter 92F. *See* Dkt. 61 at Ex. 14.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that it calls for a legal conclusion, which the trier-of-fact determines.



Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objections, Defendant DC admits that Exhibit 14 to Plaintiff's Motion for Partial Summary Judgment is a true and correct copy of Defendant DC's August 4, 2023 *executive* session meeting minutes.

41. Admit that the minutes attached to Public First's Motion for Partial Summary Judgment as Exhibit 16 are a true, correct, and authentic copy of the Council's October 4, 2023 *executive*

session meeting minutes that were disclosed as a public record by the Council pursuant to HRS chapter 92F. See Dkt. 61 at Ex. 16.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that it calls for a legal conclusion, which the trier-of-fact determines.



Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objections, Defendant DC admits that Exhibit 16 to Plaintiff's Motion for Partial Summary Judgment is a true and correct copy of Defendant DC's October 4, 2023 executive session meeting minutes.

42. Admit that the agenda attached to Public First's Motion for Partial Summary Judgment as Exhibit 17 is a true, correct, and authentic copy of the Council's November 2, 2023 agenda that was posted to the State Calendar pursuant to HRS § 92-7. See Dkt. 61 at Ex. 17.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that it calls for a legal conclusion, which the trier-of-fact determines.



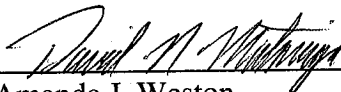
Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objections, Defendant DC admits that Exhibit 17 to Plaintiff's Motion for Partial Summary Judgment is a true and correct copy of Defendant DC's agenda for its November 2, 2023, meeting.

43. Admit that the minutes attached to Public First's Motion for Partial Summary Judgment as Exhibit 18 are a true, correct, and authentic copy of the Council's November 2, 2023 regular session meeting minutes that were prepared and posted on the Council's website pursuant to HRS § 92-9. See Dkt. 61 at Ex. 18.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that it calls for a legal conclusion, which the trier-of-fact determines.

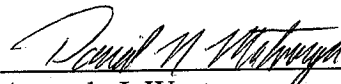

Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objections, Defendant DC admits that Exhibit 18 to Plaintiff's Motion for Partial Summary Judgment is a true and correct copy of Defendant DC's November 2, 2023 regular session meeting minutes.

44. Admit that the minutes attached to Public First's Motion for Partial Summary Judgment as Exhibit 19 are a true, correct, and authentic copy of the Council's November 2, 2023 *executive* session meeting minutes that were disclosed as a public record by the Council pursuant to HRS chapter 92F. See Dkt. 61 at Ex. 19.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that it calls for a legal conclusion, which the trier-of-fact determines.

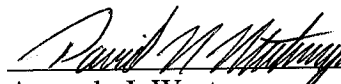

Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objections, Defendant DC admits that Exhibit 19 to Plaintiff's Motion for Partial Summary Judgment is a true and correct copy of Defendant DC's November 2, 2023 executive session meeting minutes.

45. Admit that the records attached to this Request as Appendix "1" are a true and correct copy of the Council's candidate interview scoring sheets that were disclosed as a public record by the Council pursuant to HRS chapter 92F.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that it calls for a legal conclusion, which the trier-of-fact determines.

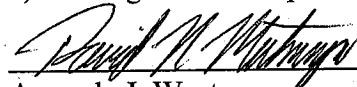

Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objections, Defendant DC admits that Appendix "1" to Plaintiff's Request for Admission are true and correct copies of Defendant DC's scoring sheets for the Candidates.

46. Admit that State Public Defender candidates answered the questions reflected in Appendix "1" in executive session on October 4, 2023.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that the term "reflected," which is not defined by Plaintiff, is vague and ambiguous. According to *Webster's New College Dictionary (Third Edition)*, "reflected" has several meanings, including but not limited to the following: 1) to throw or bend back (e.g. light) from a surface; 2) to give back or show an image of (an object): mirror; 3) to manifest as a result of one's actions; or 4) to bring as a consequence.



Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objections, Defendant DC admits that Appendix "1" to Plaintiff's Request for Admission contain the questions asked to each Candidate at their job interview, but denies that the Candidates' responses, which included personal and private information, are contained in Appendix "1."

47. Admit that the records attached to this Request as Appendix "2" are a true and correct copy of the (1) letters of interest, resumes, and other materials submitted to the Council by the candidates for State Public Defender, and (2) comments on the candidates received by the Council, that were disclosed as a public record by the Council pursuant to HRS chapter 92F.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that it calls for a legal conclusion, which the trier-of-fact determines.



Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objection, Defendant DC admits that Appendix "2" to Plaintiff's Request for Admission are true and correct copies of the letters of interest, resumes, and other materials submitted to Defendant DC by the Candidates, and the comments regarding the Candidates that were received by Defendant DC.

48. Admit that the Council discussed the information reflected in Appendix "2" during the executive sessions on October 4 or November 2, 2023.

Admit: _____ Deny: _____

OBJECTION: Defendant DC objects to this request for admission on the grounds that the term “discussed,” which is not defined by Plaintiff, is vague and ambiguous. According to *Webster’s New College Dictionary (Third Edition)*, “discussed” has several meanings, including but not limited to the following: 1) to speak together about: talk over; or 2) to examine (a subject) in speech or writing. Although this definition may appear clear, it does not make clear to what extent the topic has to be spoken together about, talked over, or examined to be “discussed” – in other words, is a simple reference to the topic enough to qualify as the topic being “discussed.”



Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

ANSWER: Without waiving the foregoing objections, Defendant DC admits that the members of Defendant DC spoke with one another about the letters of interest, resumes, and other materials submitted to Defendant DC by the Candidates, and the comments regarding the Candidates that were received by Defendant DC in Executive Sessions on October 4, 2023 and November 2, 2024, because Defendant DC’s conversations regarding the Candidates also included the Candidates’ responses to Defendant DC’s questions, which included information that was personal and private to the Candidates.

Exhibit "30"

ANNE E. LOPEZ 7609
Attorney General for the State of Hawai'i

AMANDA J. WESTON 7496
DAVID N. MATSUMIYA 9640

Deputy Attorneys General
Department of the Attorney General
State of Hawai'i

425 Queen Street

Honolulu, Hawai'i 96813

Telephone: (808) 586-1300

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E-mail: amanda.j.weston@hawaii.gov
david.n.matsumiya@hawaii.gov

Attorneys for Defendants

DEFENDER COUNCIL, JON N. IKENAGA, AND
AGRIBUSINESS DEVELOPMENT CORPORATION
BOARD OF DIRECTORS

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

PUBLIC FIRST LAW CENTER,

Plaintiff,

vs.

DEFENDER COUNCIL; JON N. IKENAGA;
and AGRIBUSINESS DEVELOPMENT
CORPORATION BOARD OF DIRECTORS,

Defendants.

CIVIL NO.: 1CCV-24-0000050
(Other Civil Action)

DEFENDANT DEFENDER COUNCIL'S
WRITTEN ANSWERS TO *PLAINTIFF'S*
FIRST SET OF INTERROGATORIES TO
DEFENDANT DEFENDER COUNCIL
DATED NOVEMBER 29, 2024

Judge: Honorable Jordon J. Kimura
Trial: June 23, 2025

**DEFENDANT DEFENDER COUNCIL'S WRITTEN ANSWERS TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT
DEFENDER COUNCIL DATED NOVEMBER 29, 2024**

Defendant DEFENDER COUNCIL ("**Defendant DC**"), by and through Anne E. Lopez,
Attorney General for the State of Hawai'i, and its attorneys Amanda J. Weston and
David N. Matsumiya, Deputy Attorneys General, hereby answers *Plaintiff's First Set of*
Interrogatories to Defendant Defender Council, dated November 29, 2024 ("**Plaintiff's ROGS**")
as follows:

GENERAL OBJECTIONS AND STATEMENTS

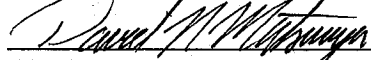
1. Defendant DC objects to all of the interrogatories in Plaintiff's ROGS to the extent that they seek the disclosure of privileged communications, information that is protected work product, and information concerning documents and tangible things prepared in anticipation of litigation or trial.
2. Defendant DC objects to each interrogatory to the extent that it seeks information that is immaterial and irrelevant to the subject matter of this action.
3. Defendant DC objects to each interrogatory to the extent that it is unreasonably burdensome, oppressive or vexatious, in that the information so acquired would be of little or no relevance to the issues in this case, and/or would place an unreasonable and oppressive burden on Defendant DC in the expenditure of time, costs, and money.
4. Defendant DC objects to those interrogatories that are so broad, uncertain, and unintelligible that Defendant DC cannot determine the nature of the answer sought, and Defendant DC therefore is unable to answer.
5. Defendant DC objects to each interrogatory to the extent that it seeks information that is as easily available to Plaintiff PUBLIC FIRST LAW CENTER as it is to Defendant DC.
6. Defendant DC objects to each interrogatory to the extent that it seeks information for which the required good cause or substantial need, as dictated by applicable statutes, court rules and case laws, has not been shown.
7. Defendant DC does not concede that any of its answers will be admissible evidence at trial. Further, Defendant DC does not waive any objections, whether or not stated herein, to use such answers at trial.
8. Defendant DC states that its discovery, investigation, and trial preparation are ongoing and have not been completed. Any and all answers to Plaintiff's ROGs are based only on the information available to Defendant DC at the time that its answers and objections were prepared. Defendant DC reserves its right to supplement its answers as necessary and appropriate.
9. All specific answers and objections are made without waiving any of these general objections and statements.
10. Without waiving any of the foregoing objections, which Defendant DC incorporates by reference, in its answers and/or objection to each of the following individual

interrogatories as if fully set forth therein, Defendant DC further answers and objects to the individual requests as follows.

DATED: Honolulu, Hawai'i, February 7, 2025.

ANNE E. LOPEZ

Attorney General for the State of Hawai'i



AMANDA J. WESTON

DAVID N. MATSUMIYA

Deputy Attorneys General

Attorneys for Defendants

DEFENDER COUNCIL, JON N. IKENAGA, AND

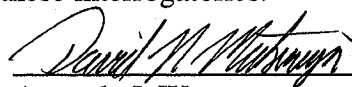
AGRIBUSINESS DEVELOPMENT CORPORATION

BOARD OF DIRECTORS

INTERROGATORIES

1. Identify the individual(s) answering these interrogatories.

Objection: Defendant DEFENDER COUNCIL (“Defendant DC”), objects to this interrogatory on the grounds that the term “identify,” as defined, seeks personal and private information from the individual answering these interrogatories.



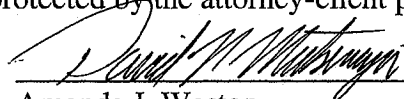
Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

Answer: Without waiving the objections raised above and subject to them, Defendant DC hereby answers as follows:

Crystal Glendon, Chairperson of Defendant DC. As the Chairperson of Defendant DC, Ms. Glendon may be contacted via the undersigned Counsel.

2. Describe in detail the executive session at the Council’s June 16, 2023 meeting.

Objection: Defendant DC objects to this interrogatory on the grounds that the term “describe,” as defined, seeks Defendant DC’s legal analysis, legal impressions, and legal conclusions regarding Defendant DC’s actions. Defendant DC further objects to this interrogatory on the grounds that the phrase “in detail” is not defined and is vague, ambiguous, and overly broad as to its meaning and scope. Defendant DC objects to this interrogatory to the extent that it seeks information that are personal and private to the applicants for State Public Defender. Finally, Defendant DC objects to this interrogatory to the extent that it seeks information that is protected by the attorney-client privilege.



Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

Answer: Without waiving the objections raised above and subject to them, Defendant DC hereby answers as follows:

Prior to Defendant DC’s June 16, 2023, Council meeting, Defendant DC published its Agenda for the meeting. The Agenda, stated, as Item 6, that an “[e]xecutive session pursuant to section 92-5(a)(4), Hawai’i Revised Statutes, to consult with the Council’s attorney on questions and issues pertaining to the Council’s powers, duties, privileges, immunities and liabilities regarding personnel complaints and the evaluation of the Office of Public Defender’s supervisory personnel” would be conducted.

On June 16, 2023, Defendant DC moved into Executive Session to consult with the Council’s attorney regarding the Council’s powers, duties, privileges, immunities

and liabilities regarding personnel complaints and the evaluation of the Office of Public Defender's supervisory personnel.

During the Executive Session, while discussing the evaluation of the Office of Public Defender with its attorney, Defendant DC was reminded that the term for the State Public Defender would be expiring in January 2024 and that Defendant DC should start the process of selecting a new State Public Defender.

Defendant DC's discovery into this issue is ongoing. As a result, Defendant DC reserves the right to amend its answers to this interrogatory if its discovery into this matter indicates that its answer is incorrect or incomplete.

3. Describe in detail the executive session at the Council's August 4, 2023 meeting.

Objection: Defendant DC objects to this interrogatory on the grounds that the term "describe," as defined, seeks Defendant DC's legal analysis, legal impressions, and legal conclusions regarding Defendant DC's actions. Defendant DC further objects to this interrogatory on the grounds that the phrase "in detail" is not defined and is vague, ambiguous, and overly broad as to its meaning and scope. Defendant DC objects to this interrogatory to the extent that it seeks information that are personal and private to the applicants for State Public Defender. Finally, Defendant DC objects to this interrogatory to the extent that it seeks information that is protected by the attorney-client privilege.



Amanda J. Weston

David N. Matsumiya

Deputy Attorneys General

Answer: Without waiving the objections raised above and subject to them, Defendant DC hereby answers as follows:

Prior to Defendant DC's August 4, 2023, Council meeting, Defendant DC published its Agenda for the meeting. The Agenda, stated, as Item 6, that an "[e]xecutive session pursuant to section 92-5(a)(4), Hawai'i Revised Statutes, to consult with the Council's attorney on questions and issues pertaining to the Council's powers, duties, privileges, immunities and liabilities to conduct, among other things, the selection process for the [State] Public Defender" would be conducted.

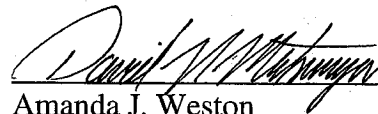
On August 4, 2023, Defendant DC moved into Executive Session to consult with the Council's attorney regarding the Council's powers, duties, privileges, immunities and liabilities regarding the selection process for the State Public Defender.

During the Executive Session, Defendant DC consulted with their attorney regarding the various deadlines that needed to be in place for the proper consideration and selection of the State Public Defender.

Defendant DC's discovery into this issue is ongoing. As a result, Defendant DC reserves the right to amend its answers to this interrogatory if its discovery into this matter indicates that its answer is incorrect or incomplete.

4. Describe in detail the executive session at the Council's October 4, 2023 meeting.

Objection: Defendant DC objects to this interrogatory on the grounds that the term "describe," as defined, seeks Defendant DC's legal analysis, legal impressions, and legal conclusions regarding Defendant DC's actions. Defendant DC further objects to this interrogatory on the grounds that the phrase "in detail" is not defined and is vague, ambiguous, and overly broad as to its meaning and scope. Defendant DC objects to this interrogatory to the extent that it seeks information that are personal and private to the applicants for State Public Defender.



Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

Answer: Without waiving the objections raised above and subject to them, Defendant DC hereby answers as follows:

Prior to Defendant DC's October 4, 2023, Council meeting, Defendant DC published its Agenda for the meeting. The Agenda, stated, as Items 2 and 3, "[d]iscussion and action to enter into executive session to interview candidates for the position of the State Public Defender" and "[e]xecutive session pursuant to section 92-5(a)(2), Hawaii Revised Statutes, to interview candidates for the position of the State Public Defender" would be conducted.

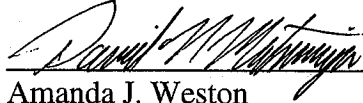
On October 4, 2023, Defendant DC decided to conduct the interviews of the candidates for the position of the State Public Defender in Executive Session because of its concerns that the applicants' personal and private information (*e.g.* personal contact information for the applicants who were employed by the State of Hawai'i and financial information for the applicant who was not employed by the State of Hawai'i) could be revealed/disclosed during the interview process.

During the Executive Session, Defendant DC interviewed the four applicants for the State Public Defender position.

Defendant DC's discovery into this issue is ongoing. As a result, Defendant DC reserves the right to amend its answers to this interrogatory if its discovery into this matter indicates that its answer is incorrect or incomplete.

5. Describe in detail the executive session at the Council's November 2, 2023 meeting.

Objection: Defendant DC objects to this interrogatory on the grounds that the term "describe," as defined, seeks Defendant DC's legal analysis, legal impressions, and legal conclusions regarding Defendant DC's actions. Defendant DC further objects to this interrogatory on the grounds that the phrase "in detail" is not defined and is vague, ambiguous, and overly broad as to its meaning and scope. Defendant DC objects to this interrogatory to the extent that it seeks information that are personal and private to the applicants for State Public Defender.



Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

Answer: Without waiving the objections raised above and subject to them, Defendant DC hereby answers as follows:

Prior to Defendant DC's November 2, 2023, Defender Council meeting, Defendant DC published its Agenda for the meeting. The Agenda, stated, as Item 6, "[e]xecutive session pursuant to section 92-5(a)(2), Hawaii Revised Statutes, regarding discussion and possible selection of the Public Defender" would be conducted.

On November 2, 2023, Defendant DC decided to conduct its discussions regarding the possible selection of the State Public Defender in Executive Session because of its concerns that the applicants' personal and private information (*e.g.* personal contact information for the applicants who were employed by the State of Hawai'i and financial information for the applicant who was not employed by the State of Hawai'i) could be revealed/disclosed during the discussion of the applicants.

During the Executive Session, Defendant DC discussed the strengths and weaknesses of each applicant, their vision, their interviews, and their answer to the "homework" question.

Defendant DC's discovery into this issue is ongoing. As a result, Defendant DC reserves the right to amend its answers to this interrogatory if its discovery into this matter indicates that its answer is incorrect or incomplete.

6. For any request for admission that the Council denied, in whole or in part, describe in detail the factual and legal basis for the denial.

Objection: Defendant DC objects to this interrogatory on the grounds that the term “describe,” as defined, seeks Defendant DC’s legal analysis, legal impressions, and legal conclusions regarding Defendant DC’s actions. Defendant DC further objects to this interrogatory on the grounds that the phrase “in detail” is not defined and is vague, ambiguous, and overly broad as to its meaning and scope. Defendant DC objects to this interrogatory to the extent that it seeks information that are personal and private to the applicants for State Public Defender.



Amanda J. Weston
David N. Matsumiya
Deputy Attorneys General

Answer: Without waiving the objections raised above and subject to them, Defendant DC hereby answers as follows:

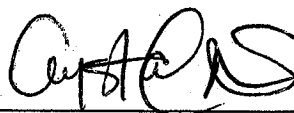
See Defendant DC’s answers to request for admissions, which provides the answers to this interrogatory.

Defendant DC’s discovery into this issue is ongoing. As a result, Defendant DC reserves the right to amend its answers to this interrogatory if its discovery into this matter indicates that its answer is incorrect or incomplete.

VERIFICATION

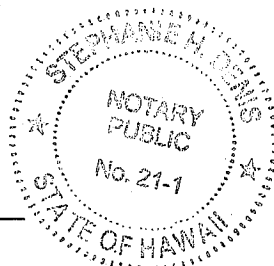
STATE OF HAWAI'I)
) ss
CITY AND COUNTY OF HONOLULU)

Crystal Glendon, being first duly sworn on oath, deposes and says that she has read the foregoing answers to interrogatories and that the same are true to the best of her knowledge and belief.



Crystal Glendon

Subscribed and sworn to before me
this 7th day of February, 2025.



Stephanie H. Denis
Notary Public, State of Hawaii

Print Name: Stephanie H. Denis

My commission expires: March 7, 2025

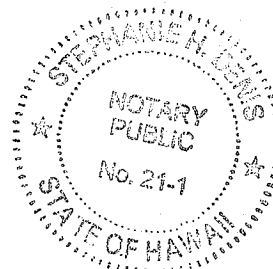
Date of Doc: February 7, 2025 # Pages: 9

Name of Notary: Stephanie H. Denis Notes: _____

Defendant Defender Council's Written
Doc. Description: Answers to Plaintiff's First Set of
Interrogatories to Defendant Defender Council Dated
November 29, 2024

(stamp or seal)

Stephanie H. Denis Feb. 7, 2025
Notary Signature Date



First Circuit, State of Hawai'i

NOTARY CERTIFICATION