

**Electronically Filed
Intermediate Court of Appeals
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No. CAAP-22-0000506

IN THE INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAII

HAWAII GOVERNMENT
EMPLOYEES ASSOCIATION,
AFSCME, LOCAL 152, AFL-CIO, and
UNITED PUBLIC WORKERS, AFSCME,
LOCAL 646, AFL-CIO,
Plaintiffs-Appellants,

and

DEPARTMENT OF PUBLIC SAFETY,
STATE OF HAWAII; JOHN DOES 1-10;
JANE DOES 1-10; DOE
PARTNERSHIPS 1-10; DOE
CORPORATIONS 1-10; and DOE
GOVERNMENTAL AGENCIES AND
DOE ENTITIES 1-10,
Defendants-Appellees.

ORIGINAL PROCEEDING
CIVIL NO. 1CCV-21-0001304
(Declaratory Judgment)

CIRCUIT COURT OF THE FIRST
CIRCUIT, STATE OF HAWAII

The Honorable Lisa W. Cataldo, Circuit
Court of the First Circuit, State of
Hawai'i

MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF
PROPOSED *AMICUS CURIAE* BRIEF

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Pursuant to Hawai'i Rules of Appellate Procedure 27 and 28(g), Public First Law Center (Movant or Public First) moves this Court for leave to appear as *amicus curiae* and to file a brief, in the form attached.

Movant is a Hawai'i non-profit focused on solutions that promote transparency and responsiveness in government. Public First regularly represents members of the public in litigation concerning the Uniform Information Practices Act (Modified), Hawai'i Revised Statutes (HRS) chapter 92F (UIPA).

Movant has a compelling interest in how this Court interprets UIPA. As framed by the parties, this case concerns UIPA. But this is not a UIPA case at its core, and to interpret the privacy issues here based on UIPA would do a substantial injustice to the rights of the public to obtain information about how their government operates. Movant seeks to offer a perspective from the intended beneficiaries of UIPA – the

general public – regarding causes of action for invasion of privacy and how those interact with UIPA, as interpreted by the Hawai`i Supreme Court in *SHOPO v. City & County of Honolulu*.

Movant respectfully requests that the Court grant its motion for leave to file an *amicus curiae* brief.¹

Dated: Honolulu, Hawai`i, September 19, 2024

Respectfully submitted,

/s/ Robert Brian Black

ROBERT BRIAN BLACK

BENJAMIN M. CREPS

Attorneys for Movant

¹ Movant acknowledges that this request for leave is over a year after briefing closed. Public First monitors lawsuits that concern UIPA as reported to the State of Hawai`i Office of Information Practices (OIP) pursuant to HRS 92F-15.3 and identified in OIP's annual reports. Because the parties did not report the case to OIP, Movant only recently learned of the case by happenstance.