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Attorneys for Appellee
Honolulu Police Commission

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

MINH-HUNG NGUYEN
aka Bobby Nguyen,

Appellant,

vs.

HONOLULU POLICE COMMISSION,

Appellee.

CIVIL NO. 17-1-1802-11 KKH
(Agency Appeal)

EX PARTE MOTION TO SEAL CERTIFIED
RECORD ON APPEAL; DECLARATION
OF LESLIE P. CHINN; ORDER GRANTING
EX PARTE MOTION TO SEAL CERTIFIED
RECORD ON APPEAL; CERTIFICATE OF
SERVICE

EX PARTE MOTION TO SEAL CERTIFIED RECORD ON APPEAL

Appellee Honolulu Police Commission (“HPC”) moves the Court *ex parte*, for an Order directing the Clerk of the Court to seal the Certified Record on Appeal, filed on November 24, 2017.

This Motion is made pursuant to Rule 7 of the Hawaii Rules of Civil Procedure, Rule 7.2 of the Rules of the Circuit Courts of the State of Hawaii, and Rules 2 and 9 of the Hawaii Court

J. KUBO
CLERK

2018 JAN -3 PM 3:38



FIRST CIRCUIT COURT
STATE OF HAWAII

Records Rules, and is supported by the attached Declaration of the undersigned and the records and files herein.

DATED: Honolulu, Hawaii, JAN 03 2018

DONNA Y. L. LEONG
Corporation Counsel

By  _____

LESLIE P. CHINN
Deputy Corporation Counsel
Attorney for Appellee
Honolulu Police Commission

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

MINH-HUNG NGUYEN
aka Bobby Nguyen,

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Appellee.

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DECLARATION OF LESLIE P. CHINN

DECLARATION OF LESLIE P. CHINN

I, LESLIE P. CHINN, hereby declare under penalty of perjury and under the laws of the State of Hawaii and the United States, that the foregoing is true and correct and based on personal knowledge, unless otherwise indicated:

1. I am an attorney licensed to practice law and a member in good standing in all of the courts of the State of Hawai'i.
2. I am a Deputy Corporation Counsel with the Department of the Corporation Counsel, City and County of Honolulu, and one of the attorneys representing Appellee Honolulu Police Commission ("Appellee").
3. I have personal knowledge of and am competent to make this Declaration concerning the matters set forth below.
4. On November 3, 2017, Appellant Minh-Hung Nguyen, *aka Bobby Nguyen*, filed his appeal to the Circuit Court of the First Circuit, State of Hawaii from the Findings of Fact,

Conclusions of Law, and Decision and Order of the Honolulu Police Commission entered on September 7, 2017.

5. On November 24, 2017, Appellee filed the Certified Record on Appeal (“Record on Appeal”) in the above-captioned case.

6. Certain pages of the Record on Appeal included information that contained confidential and personal information.

7. Rule 9.1(a) of the Hawaii Court Records Rules (“HCCR”) states in relevant part, “[a] party shall not include personal information in any accessible document filed in any state court or with ADLRO.”

8. HCCR Rule 2.19 defines personal information as “social security numbers, dates of birth (except traffic citations), names of minor children, bank or investment account numbers, medical and health records, and social service reports.”

9. In compliance with the above provisions of the HCCR and to protect the private, personal, and confidential information contained in the Record on Appeal, Appellee seeks to seal the Record on Appeal in the above-captioned matter, filed on November 24, 2017.

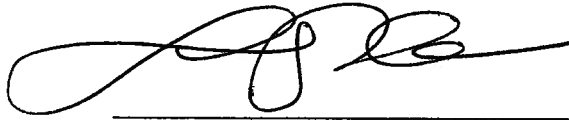
10. Appellee intends to file an Amended Certified Record on Appeal, subject to the Court’s approval.

11. The Amended Certified Record on Appeal will include pages with confidential and personal information redacted.

12. The undersigned counsel notified Appellant's counsel regarding the inadvertent disclosure of the confidential information and he has no objection to the instant *ex parte* motion and request.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF HAWAII THE FOREGOING IS TRUE AND CORRECT.

DATED: Honolulu, Hawaii, JAN 03 2018.



LESLIE P. CHINN

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

MINH-HUNG NGUYEN
aka Bobby Nguyen,

Appellant,

vs.

HONOLULU POLICE COMMISSION,

Appellee.

CIVIL NO. 17-1-1802-11 KKH
(Agency Appeal)

ORDER GRANTING *EX PARTE* MOTION
TO SEAL CERTIFIED RECORD ON
APPEAL

ORDER GRANTING *EX PARTE* MOTION
TO SEAL CERTIFIED RECORD ON APPEAL

Upon consideration of Appellee Honolulu Police Commission's ("Appellee") *Ex Parte*
Motion To Seal Certified Record On Appeal, and good cause appearing therefor;

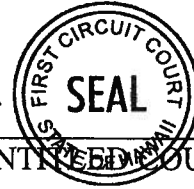
IT IS HEREBY ORDERED that the Clerk of the Court seal the Certified Record on
Appeal filed on November 24, 2017.

DATED: Honolulu, Hawaii

JAN 08 2018

KEITH K. HIRAOKA

JUDGE OF THE ABOVE-ENTITLED COURT



IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

MINH-HUNG NGUYEN
aka Bobby Nguyen,

Appellant,

vs.

HONOLULU POLICE COMMISSION,

Appellee.

CIVIL NO. 17-1-1802-11 KKH
(Agency Appeal)

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that a copy hereof was served upon the following by hand delivery
or mailing the same, postage prepaid, on JAN 03 2018 :

RANDALL K. HIRONAKA
Miyoshi and Hironaka LLC
345 Queen Street, Suite 600
Honolulu, Hawaii 96813

Attorney for Appellant
MINH-HUNG NGUYEN

DATED: Honolulu, Hawaii, JAN 03 2018.

DONNA Y. L. LEONG
Corporation Counsel

By 

LESLIE P. CHINN
Deputy Corporation Counsel
Attorney for Appellee
Honolulu Police Commission