

RICHARD L HOLCOMB (HI Bar No. 9177)
BRIAN J BRAZIER (HI Bar No. 9343) (Of Counsel)
Holcomb Law, A Limited Liability Law Corporation
1136 Union Mall, Suite # 808
Honolulu, HI 96813
Telephone: (808) 545-4040
Facsimile: (808) 356-1954
Email: rholcomblaw@gmail.com
Email: brianbrazier@gmail.com

Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

De-Occupy Honolulu;
Catherine Russell;
Christopher Smith;
Andrew Smith;
Madori Rumpungworn; and
John Does 1-50,

Plaintiffs,

vs.

City and County of Honolulu;
Westley Chun, in his personal and
official capacity;
Trish Morikawa, in her personal and
official capacity;
Larry Santos, in his personal and official
capacity; and
John Does 1-50 in their personal and
official capacities.

Defendants.

CASE NO. 1:12-cv-000668

PLAINTIFFS' MOTION FOR
SANCTIONS, ENFORCEMENT OF
AGREEMENT, AND/OR
TEMPORARY RESTRAINING
ORDER

**PLAINTIFFS' MOTION FOR
SANCTIONS, ENFORCEMENT OF
AGEEEMENT, AND/OR TEMPORARY RESTRAINING ORDER**

COME NOW the Plaintiffs, by and through the undersigned counsel, and pursuant to the Stipulation Regarding Plaintiffs' Motion for Temporary Restraining Order, signed by the Honorable Michael Seabright on December 18, 2012, and entered into the record of this case as Doc. 18, and pursuant to the parties' discussions both in and out of court, and the oral instruction or guidance of this Court, and request that this Court issue an Order imposing Sanctions, enforcing the stipulation, and/or issuing a temporary restraining order until such time as the Preliminary Injunction can be heard on March 11, 2013.

In support of this Motion, Plaintiffs would show:

1. On December 20, 2012, Defendant City conducted a raid at Thomas Square.
2. Although the conduct of the City employees was much less egregious than was the custom and/or policy before the filing of this lawsuit, the City nevertheless materially breached the terms of the agreement.
3. Specifically, the City: seized "untagged" items; rummaged through and seized personal property within tagged tents without any meaningful attempt to identify the owner of the tent and without permitting the owner to remove their personal property from the tent; failed to exercise due care to prevent destruction or harm to seized property; failed to store seized items in numbered bins and/or failed to identify the bin number on post-seizure notices; and, now, refuses to

immediately return seized property to the property owner despite the property owners' attempts to present the City with the appropriate post-seizure notices.

4. In further support of this Motion, Plaintiffs rely on the attached Declarations of Christopher Baker and of Plaintiff Christopher Smith as well as the Exhibits to those Declarations.

Accordingly, for any and all of the reasons herein, Plaintiffs request sanctions, enforcement of the agreement, and/or the issuance of a temporary restraining order. Plaintiffs further request that an expedited hearing on this motion be held as soon as possible after January 1, 2013.

Dated: Honolulu, Hawaii; December 21, 2012.

s/Richard L. Holcomb
Richard L. Holcomb
Attorney for Plaintiffs

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CERTIFICATE OF SERVICE

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I hereby certify that on the date first stated below, or in compliance with the rules of this Court, I did serve a true and exact copy of the foregoing document via this Court's electronic filing system, upon the following:

Ernest Nomura,
Brian Black, and/or
Scott Dodd
Dept. of Corp. Counsel
530 S. King St.
Room 110
Honolulu, HI 96813

DATED: Honolulu, Hawaii; December 21, 2012.

s/Richard L. Holcomb
Richard L. Holcomb
Attorney for Plaintiffs