

TERMED

**U.S. District Court  
District of Hawaii (Hawaii)  
CIVIL DOCKET FOR CASE #: 1:02-cv-00451-DAE-KSC**

Remmers v. Yoshina, et al  
Assigned to: JUDGE DAVID ALAN EZRA  
Referred to: JUDGE KEVIN S.C. CHANG  
Demand: \$0  
Cause: 42:1983 Civil Rights Act

Date Filed: 07/22/2002  
Date Terminated: 12/13/2004  
Jury Demand: Plaintiff  
Nature of Suit: 441 Civil Rights: Voting  
Jurisdiction: Federal Question

**Plaintiff**

**William W. Remmers, Jr.**  
*in his own right, and as representative of  
all similarly situated citizens and  
residents of the State of Hawaii*

represented by **John S. Edmunds**  
John S. Edmunds, Attorney At Law, LLLC  
Davies Pacific Center  
841 Bishop St Ste 1715  
Honolulu, HI 96813  
524-2000  
Email: [john@jedmundslaw.com](mailto:john@jedmundslaw.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Ronald J. Verga**  
Edmunds Verga & Omonaka LLC  
Davies Pacific Center  
841 Bishop St Ste 410  
Honolulu, HI 96813  
524-2000  
Email: [rverga@ev-law.com](mailto:rverga@ev-law.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Dwayne D. Yoshina**  
*in his individual capacity and in his  
official capacity as Chief Election Officer  
of the Office of Elections, State of Hawaii*

represented by **Aaron H. Schulaner**  
Department of the Attorney General  
Education Division  
235 S Beretania St Rm 304  
Honolulu, HI 96813  
586-1255  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Russell A. Suzuki**  
Office of the Attorney General-Hawaii  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Genevieve G. Wong**  
*in her individual capacity and in her  
official capacity as City Clerk, City and  
County of Honolulu*

represented by **Denise Balanay**  
Office of Corporation Counsel-Honolulu  
530 S King St Ste 110  
Honolulu, HI 96813  
523-4859 (main)  
**LEAD ATTORNEY**

ATTORNEY TO BE NOTICED

**Laura A. Kuioka**  
Fukunaga Matayoshi Ching &  
Kon-Herrera, LLP  
841 Bishop St Ste 1200  
Honolulu, HI 96813  
792-4818  
Fax: 531-7585  
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LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Defendant**

**Ted I. Sakai**  
*in his individual capacity and in his  
official capacity as Director of  
Department of Public Safety, State of  
Hawaii*

represented by **Cindy S. Inouye**  
Office of the Attorney General-Hawaii  
425 Queen St  
Honolulu, HI 96813  
586-1500  
TERMINATED: 11/08/2006  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**John M. Cregor , Jr.**  
586-1494  
Fax: 586-1369  
Email: [John.M.Cregor@hawaii.gov](mailto:John.M.Cregor@hawaii.gov)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Defendant**

**Edwin Shimoda**  
*in his individual capacity and in his  
official capacity as Department of Public  
Safety Institutions Division Administrator*

represented by **Cindy S. Inouye**  
(See above for address)  
TERMINATED: 11/08/2006  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**John M. Cregor , Jr.**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Defendant**

**Clayton Frank**  
*in his individual capacity and in his  
official capacity as Warden of the Oahu  
Community Correctional Center*

represented by **Cindy S. Inouye**  
(See above for address)  
TERMINATED: 11/08/2006  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**John M. Cregor , Jr.**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Defendant**

**Serna**  
*in his individual capacity and in his  
official capacity as Sergeant, Oahu  
Community Correctional Facility*

represented by **Cindy S. Inouye**  
(See above for address)  
TERMINATED: 11/08/2006  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**John M. Cregor , Jr.**

(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**John Manumaleuna**  
*in his individual capacity and in his  
official capacity as Chief of Security,  
Oahu Community Correctional Center*

represented by **Cindy S. Inouye**  
(See above for address)  
**TERMINATED: 11/08/2006**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**John M. Cregor , Jr.**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Francis X. Sequiera**  
*in his individual capacity and in his  
official capacity as Acting Warden, Oahu  
Community Correctional Center*

represented by **Cindy S. Inouye**  
(See above for address)  
**TERMINATED: 11/08/2006**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**John M. Cregor , Jr.**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**John Does 1–10**

Date Filed	#	Docket Text
07/22/2002	1	COMPLAINT; demand for jury trial; summons (Summons issued) (afc) (Entered: 07/22/2002)
07/22/2002	2	ORDER by Judge David A. Ezra rule 16 conference set for 9:00 10/21/02 before Mag Judge Kevin S. Chang (afc) (Entered: 07/22/2002)
07/22/2002		FILING FEE PAID in the amount of \$150.00, receipt #210160 (afc) (Entered: 07/22/2002)
07/26/2002	3	RETURN OF SERVICE executed upon defendant Ted I. Sakai on 7/25/02 through agent/secretary Henry Leong (fe) (Entered: 07/26/2002)
07/26/2002	4	RETURN OF SERVICE executed upon defendant Edwin Shimoda on 7/25/02 (fe) (Entered: 07/26/2002)
07/26/2002	5	RETURN OF SERVICE executed upon defendant Francis X. Sequiera on 7/25/02 (fe) (Entered: 07/26/2002)
07/26/2002	6	RETURN OF SERVICE executed upon defendant Clayton Frank on 7/25/02 through secretary Nonah Apao, authorized agent (fe) (Entered: 07/26/2002)
08/02/2002	7	RETURN OF SERVICE of complaint and summons executed upon defendant Dwayne D. Yoshina on 7/30/02 (afc) (Entered: 08/05/2002)
08/02/2002	8	RETURN OF SERVICE of complaint and summons executed upon defendant Genevieve G. Wong on 7/29/02 (afc) (Entered: 08/05/2002)
08/15/2002	9	NOTICE OF MOTION and motion by defendants Ted I. Sakai, Edwin Shimoda, Clayton Frank, "Unknown" Serna, John Manumaleuna, and Francis X. Sequiera to dismiss ; memorandum of law in support of motion; exhibit a; certificate of service – set for 11:15 10/28/02 before Judge David A. Ezra (fe) (Entered: 08/15/2002)

08/19/2002	10	NOTICE OF MOTION and motion by defendant Dwayne D. Yoshina to dismiss ; memorandum in support; certificate of service – set for 11:15 10/28/02 before Judge David A. Ezra (fe) (Entered: 08/20/2002)
08/26/2002	11	ANSWER by defendant Genevieve G. Wong to complaint [1–1]; certificate of service (fe) (Entered: 08/27/2002)
09/12/2002	12	RETURN OF SERVICE of complaint and summons executed upon defendant John Manumaleuna on 9/10/02 (afc) (Entered: 09/12/2002)
09/12/2002	13	RETURN OF SERVICE of complaint and summons executed upon defendant Margrette Serna on 9/10/02 (note: deft named on the complaint as "first name unknown" Serna) (afc) (Entered: 09/12/2002)
10/01/2002	14	Substantive JOINDER by defendant Genevieve G. Wong in defendants Ted I. Sakai, Edwin T. Shimoda, et al. MOTION to dismiss filed 08–15–02; certificate of service [9–1] (afc) Modified on 10/02/2002 (Entered: 10/02/2002)
10/01/2002	15	Substantive JOINDER by defendant Genevieve G. Wong in defendant Dwayne D. Yoshina's motion to dismiss [10–1]; memorandum in support of motion; certificate of service (afc) (Entered: 10/02/2002)
10/01/2002	16	REPORT OF PARTIES PLANNING MEETING; certificate of service – by plaintiff (afc) (Entered: 10/02/2002)
10/10/2002	17	MEMORANDUM by plaintiff in opposition to defendants' motions to dismiss; certificate of service [10–1] [9–1] (afc) (Entered: 10/10/2002)
10/11/2002	18	SCHEDULING CONFERENCE STATEMENT; certificate of service – by defendant Genevieve G. Wong (afc) (Entered: 10/15/2002)
10/14/2002	19	SCHEDULING CONFERENCE STATEMENT; certificate of service – by defendant Dwayne D. Yoshina (afc) (Entered: 10/15/2002)
10/15/2002	20	SCHEDULING CONFERENCE STATEMENT; certificate of service – by defendant Ted I. Sakai, defendant Edwin Shimoda, defendant Clayton Frank, defendant Sgt.Serna, defendant John Manumaleuna (afc) (Entered: 10/16/2002)
10/15/2002	21	SCHEDULING CONFERENCE STATEMENT; certificate of service – by plaintiff (afc) (Entered: 10/16/2002)
10/17/2002	22	REPLY MEMORANDUM OF LAW in support of defendants' motion to dismiss – by defendant Ted I. Sakai, defendant Edwin Shimoda, defendant Clayton Frank, defendant Francis X. Sequiera, defendant Sgt. Serna, and defendant John Manumaleuna to response to motion to dismiss [9–1] (afc) (Entered: 10/17/2002)
10/21/2002	23	EP: Rule 16 Scheduling Conference continued to 11/21/2002 09:00:00 AM KSC. Motion to Dismiss is set to be heard on 10–28–02 before DAE. (Ct Rptr: In Chambers – No Record) JUDGE Mag Judge Kevin S. Chang (afc) (Entered: 10/25/2002)
10/25/2002	24	EO: Defendants Ted I. Sakai, Edwin T. Shimoda, Clayton Frank, Francis X. Sequeira, Sgt. Serna and John Manumaleuna's Motion to Dismiss. Defendant Dwayne D. Yoshina's Motion to Dismiss. Defendant Genevieve G. Wong's Substantive Joinder in Defendants Ted Sakai, Edwin T. Shimoda, Clayton Frank, Francis X. Sequeira, Sgt. Serna and John Manumaleuna's Motion to Dismiss. Defendant Genevieve G. Wong's Substantive Joinder in Defendant Dwayne D. Yoshina's Motion to Dismiss Defendants Ted I. Sakai, Edwin T. Shimoda, Clayton Frank, Francis X. Sequeira, Sgt. Serna and John Manumaleuna's Motion to Dismiss–TO BE DECIDED ON THE PAPERS [9–1]. Defendant Dwayne D. Yoshina's Motion to Dismiss–TO BE DECIDED ON THE PAPERS [10–1]. Defendant Genevieve G. Wong's Substantive Joinder in Defendants Ted Sakai, Edwin T. Shimoda, Clayton Frank, Francis X. Sequeira, Sgt. Serna and John Manumaleuna's Motion to Dismiss–TO BE DECIDED ON THE PAPERS [14–1]. Defendant Genevieve G. Wong's Substantive Joinder in Defendant Dwayne D. Yoshina's Motion to Dismiss–TO BE DECIDED ON THE PAPERS [15–1]. All counsel notified by phone. cc: All Counsel () JUDGE Judge David A. Ezra (afc) (Entered: 10/28/2002)
10/28/2002	25	ORDER granting defendants Ted I. Sakai's, Edwin T. Shimoda's, Clayton Frank's, Francis X. Sequiera's, Sgt. Serna's, and John Manumaleuna's Motion to Dismiss;

		ORDER granting in part and denying in part defendant Dwayne D. Yoshina's motion to dismiss by Judge David A. Ezra [10-1][9-1] – [court grants Public Safety defendants motion to dismiss and therefore dismisses plaintiff's equitable claims. However, court denies defendant Yoshina's motion to dismiss plaintiff's claims for money damages] (cc: all counsel and/or parties of record) (afc) (Entered: 10/28/2002)
11/21/2002	26	EP: Rule 16 Scheduling Conference – 1. Jury trial on October 21, 2003 at 9:00 a.m. before DAE 2. Final Pretrial Conference on September 9, 2003 at 9:00 a.m. before KSC 3. Final Pretrial Conference before District Judge N/A 4. Final Pretrial Statement by September 2, 2003 5. File motions to Join/Add Parties/Amend Pleadings by March 21, 2003 6. File other Non-Dispositive Motions by July 23, 2003 7. File Dispositive Motions by May 21, 2003 8a. File Motions in Limine by September 30, 2003 8b. File opposition memo to a Motion in Limine by October 7, 2003 11a. Plaintiff's Expert Witness Disclosures by April 21, 2003 11b. Defendant's Expert Witness Disclosures by May 21, 2003 12. Discovery deadline August 22, 2003 13. Settlement Conference set for January 10, 2003 at 10:00 a.m. before KSC 14. Settlement Conference statements by January 3, 2003 20. Submit Voir Dire Questions, Special Verdict Form, Concise Statement of Case and Jury Instructions by October 7, 2003 21. File Final witness list by September 30, 2003 24. Exchange Exhibit and Demonstrative aids by September 23, 2003 25. Stipulations re: Authenticity/Admissibility of Proposed Exhibits by September 30, 2003 26. File objections to the Exhibits by October 7, 2003 28a. File Deposition Excerpt Designations by September 30, 2003 28b. File Deposition Counter Designations and Objections by October 7, 2003 29. File Trial Brief by October 7, 2003 30. File Findings of Fact & Conclusions of Law by N/A [rule 16 scheduling conference held on 9:00 11/21/02 before Mag Judge Kevin S. Chang ; Jury Trial set for 9:00 10/21/03 before Judge David A. Ezra ; final pretrial conference set for 9:00 9/9/03 before Mag Judge Kevin S. Chang ; Discovery ddl set for 8/22/03; Motion filing ddl set for 5/21/03; settlement conference set for 1/10/03 before Mag Judge Kevin S. Chang] (Ct Rptr: No Record) JUDGE Mag Judge Kevin S. Chang (afc) (Entered: 11/27/2002)
11/25/2002	27	RULE 16 SCHEDULING ORDER Mag Judge Kevin S. Chang (cc: all counsel) (afc) (Entered: 11/27/2002)
12/11/2002	28	ANSWER by defendant Dwayne D. Yoshina to complaint; certificate of service [1-1] (afc) (Entered: 12/12/2002)
12/23/2002	29	ANSWER by defendant TED I. SAKAI, defendant EDWIN SHIMODA, defendant CLAYTON FRANK, defendant FRANCIS X. SEQUEIRA, defendant SGT. SERNA, and defendant JOHN MANUMALEUNA to complaint; certificate of service [1-1] (afc) (Entered: 12/24/2002)
01/07/2003	30	EO: Continued : [Settlement Conference] from 01/10/2003 10:00:00 AM to 01/21/2003 10:30:00 AM before KSC. Notified Aaron Shulander and John Edmunds thru his secretary. () JUDGE Mag Judge Kevin S. Chang (afc) (Entered: 01/13/2003)
01/21/2003	31	EP: Settlement Conference held. Case settled. Filing of Dismissal is set for 02/28/2003 09:00:00 AM before KSC. All dates vacated. Itemized billing by Verga submitted by 1-28-03. Comments to Verga's billing by defendants submitted by 2-4-03. Court will issue a minute order regarding the itemized billing. (Courtroom 5) JUDGE Mag Judge Kevin S. Chang (afc) (Entered: 01/22/2003)
01/27/2003	32	DECLARATION of Ronald J. Verga; exhibit A; and certificate of service – by plaintiff [31-3] (afc) (Entered: 01/28/2003)
02/10/2003	33	ORDER regarding attorney fees and costs by Mag Judge Kevin S. Chang [31-3] (cc: all counsel) (afc) (Entered: 02/11/2003)
02/21/2003	34	EO: Status Conference regarding the Settlement set for 9:00 2/28/03 before Mag Judge Kevin S. Chang ; This case has been settled but Plaintiffs Atty., Ronald J. Verga, wanted to turn this date in a Status Conference regarding the Settlement instead of the Order for Dismissal being issued by this Court as to this case. Plaintiffs Counsel Ronald J. Verga to notify all Counsel of this Status Conference Date. () JUDGE Judge Kevin S. Chang (afc) (Entered: 02/24/2003)
02/28/2003	35	EP: Status Conference regarding the Settlement – held. Further conference continued to 9:00 3/21/03 before Mag Judge Kevin S. Chang (Ct Rptr: None) JUDGE Mag Judge

		Kevin S. Chang (afc) (Entered: 03/03/2003)
03/19/2003	36	EO: Status Conference Re: Settlement set for 3/21/2003 at 9:00 AM continued to 03/25/2003 at 9:00 AM before KSC cc: all counsel by fax () JUDGE Mag Judge Kevin S. Chang (afc) (Entered: 03/21/2003)
03/25/2003	37	EP : Status Conference re: settlement. Discussion held regarding settlement. Mr. Verga and Mr. Cregor are to meet to find a common ground to close out this case per the settlement agreement. Further status conference re: settlement has been set for 9:00 4/25/03 before Mag Judge Kevin S. Chang ( Ct Rptr : None) JUDGE Mag Judge Kevin S. Chang (gab) (Entered: 03/27/2003)
04/25/2003	38	EP: Further Status Conference Re: Settlement. Discussion held. Parties working on language of settlement. Defendant to increase the pot by \$400. Parties to file a motion regarding fairness with Judge Ezra. () JUDGE Mag Judge Kevin S. Chang (afc) (Entered: 04/29/2003)
09/02/2003	39	FINAL PRETRIAL STATEMENT; certificate of service – by defendant Genevieve G. Wong (afc) (Entered: 09/02/2003)
05/21/2004	40	EO: Status conference set for 9:00 5/27/04 before Mag Judge Kevin S. Chang ; cc: all counsel via fax () JUDGE Judge Kevin S. Chang (afc) (Entered: 05/24/2004)
05/27/2004	41	EP : Status Conference. Case re–opened because class action matter for settlement came up. Mr. Verga sent a revised Settlement Agreement to Mr. Cregor. Counsel need two weeks to get documents in place and then will submit them to Judge Chang. Fairness Hearing to be set up thereafter. Further Status Conference set 6/9/04 at 9:00am before Judge Chang. ; settlement/status conference set for 9:00 6/9/04 before Mag Judge Kevin S. Chang ( Ct Rptr : C5, no record) JUDGE Mag Judge Kevin S. Chang (sm) (Entered: 05/27/2004)
06/09/2004	42	EP: Further Status Conference. Fairness Hearing set for 10/19/04 at 9:30am before Judge Chang. (Ct Rptr: C5 – No Record) JUDGE Mag Judge Kevin S. Chang (afc) (Entered: 06/10/2004)
08/02/2004	43	EO: By agreement of counsel, the Fairness Hearing currently set for 10/19/2004 at 9:30 AM has been continued to 11/16/2004 at 9:30 AM before Judge Chang. Ron Verga to notify all parties. () JUDGE Mag Judge Kevin S. Chang (afc) (Entered: 08/02/2004)
08/06/2004	44	AFFIDAVIT OF RONALD J. VERGA; certificate of service [copy of the Summary Notice of Proposed Class Action and Proposed Settlement mailed, postage prepaid, to each person whose name appears on the list of detainees registered for the 2000 elections, etc.] (afc) (Entered: 08/09/2004)
08/16/2004	45	AFFIDAVIT OF PUBLICATION – filed by plaintiffs – Summary Notice of Proposed Class Action and Proposed Settlement published in Honolulu Star Bulletin 1 time on August 4, 2004 (afc) (Entered: 08/16/2004)
08/16/2004	46	NOTICE OF MOTION and motion by plaintiffs for order certifying settlement class, approving class settlement and plan of distribution and for further relief ; memorandum in support of motion; exhibit A; declaration of Ronald J. Verga; certificate of service – set for 9:30 11/16/04 before Mag Judge Kevin S. Chang (afc) (Entered: 08/17/2004)
10/08/2004	47	JOINDER by defendant City and County of Honolulu in plaintiffs' motion for order certifying settlement class, approving class settlement and plan of distribution and for further relief [46–1]; certificate of service (afc) (Entered: 10/08/2004)
10/20/2004	48	JOINDER by defendant Ted I. Sakai, defendant Edwin Shimoda, defendant Clayton Frank, defendant Francis X. Sequiera, defendant Sgt. Serna, defendant John Manumaleuna in plaintiffs' MOTION for order certifying settlement class, approving class settlement and plan of distribution and for further relief [46–1]; certificate of service (afc) (Entered: 10/21/2004)
10/22/2004	49	JOINDER by defendant Dwayne D. Yoshina in plaintiffs' motion for order certifying settlement class, approving class settlement and plan of distribution and for further relief [46–1]; certificate of service (afc) (Entered: 10/24/2004)

11/03/2004	50	Class Counsel's Report to the Court; and Certificate of service (gab) (Entered: 11/04/2004)
11/16/2004	51	EP: 1.Plaintiffs' Motion For Order Certifying Settlement Class, Approving Class Settlement and Plan of Distribution and for Further Relief [46-1]; 2.Defendant City and County of Honolulu's Joinder in Plaintiffs' Motion for Order Certifying Settlement Class, Approving Class Settlement and Plan of Distribution and for Further Relief, Filed on August 16, 2004 [47-1]; 3.Defendants' Ted I. Sakai, Edwin T. Shimoda, Clayton Frank, Francix X. Sequeira, Sgt. Serna and John Manumaleuna Joinder in Plaintiffs' Motion for Order Certifying Settlement Class, Approving Class Settlement and Plan of Distribution and for Further Relief [48-1]; 4. Defendant Dwayne D. Yoshina's Joinder In Plaintiffs' Motion For Order Certifying Settlement Class, Approving Class Settlement and Plan of Distribution and for Further Relief [49-1] – Motion and joinders granted. Mr. Verga to prepare the order. (Ct Rptr: FTR C5; Time: 9:31-9:41:13) JUDGE Mag Judge Kevin S. Chang (afc) (Entered: 11/16/2004)
11/22/2004	52	ORDER OF DESIGNATION TO A MAGISTRATE JUDGE by Judge David A. Ezra – purs to 28 USC 636(b)(1)(b) and 636(b)(3) & LR 72.4, USMJ Kevin S.C. Chang is designated to hear Motion by plaintiffs for order certifying settlement class, approving class settlement and plan of distribution and for further relief [46-1] (cc: all counsel, KSC, CRM Shari) (afc) (Entered: 11/23/2004)
11/22/2004	53	FINDINGS AND RECOMMENDATIONS granting plaintiffs' motion for order certifying settlement class, approving class settlement and plan of distribution and for further relief [46-1] by Mag Judge Kevin S. Chang – filed by plaintiffs (cc: all counsel) (afc) (Entered: 11/23/2004)
12/10/2004	54	ORDER adopting magistrate's findings and recommendation by Judge David A. Ezra [53-1] (cc: all counsel) (afc) (Entered: 12/13/2004)
12/13/2004	55	JUDGMENT IN A CIVIL CASE – by Walter A.Y.H. Chinn, Clerk/A.F. Chang, Deputy Clerk – Findings and Recommendations having been entered by U.S. Magistrate Judge Kevin S.C. Chang on November 22, 2004, and said Findings and Recommendations having been adopted by Chief U.S. District Judge David Alan Ezra on December 10, 2004, IT IS ORDERED AND ADJUDGED THAT pursuant to said Findings and Recommendations and pursuant to said Orders adopting the Findings and Recommendations: This matter is certified as a class action for Settlement Purposes; Plaintiff William W. Remmers, Jr. is appointed as Representative of the Class; The law firm of Edmunds & Verga, John S. Edmunds, Esq., and Ronald J. Verga, Esq. are appointed as counsel for the class; Settlement of the Action is approved pursuant to the Class Action Settlement Agreement; The form and method of notice and the schedule of opt out, objection fairness hearing, and other dates and deadlines provided for in the Class Action Settlement Agreement is approved; The five clearly-eligible claimants and "Oahu Claimant 2" as described in Class Counsel's Report to the Court dated November 3, 2004 as Eligible Claimants as that term is defined in the Class Action Settlement Agreement is approved; The Court directs payment to the Eligible Claimants pursuant to the Class Action Settlement Agreement; Payment of \$10,000.00 as fees and costs is to be made to Edmunds & Verga; and The Action is DISMISSED. terminating case (cc: all counsel) (afc) (Entered: 12/13/2004)