			Page 1
1	IN THE UNITED STATES	DISTRICT COURT	0
2	FOR THE DISTRICT	OF HAWAII	
3	TABATHA MARTIN, TRACY MARTIN, T.M., a minor, by her parents	) CIVIL ) NO. CV 15-00363 HG-KSC	
4	and next friends, TABATHA MARTIN and TRACY MARTIN;	) [Class Action]	
5	KIONINA KENESO, K.H., a minor, by her next friend,	)	
6	KIONINA KENESO; TANAKO YUG, GABRIEL YUG, G.Y., a minor,	) ) )	
7	by his next friends, TANAKO YUG and GABRIEL YUG; DIANA	)	
8	CHONIONG; JON JOSEPHSON; NORMA MANUEL; MENSI RIKAT;	) )	
9	ARI RODEN; RIMUO RUNTE; and SNOPIA WEINEI; individually	)	
10	and on behalf of the class of homeless or formerly homeless	)	
11	individuals whose property was seized and destroyed by	)	
12	City and County of Honolulu officials,	) )	
13	Dloiptiffo	)	
14	Plaintiffs,	)	
15	VS.		
ŦŬ	CITY AND COUNTY OF HONOLULU,	)	
16	a municipal corporation; and DOE EMPLOYEES OF CITY AND	)	
17	COUNTY OF HONOLULU 1-100;	)	
18	Defendants.	)	
19		,	
20	DEPOSITION OF ROSS S	UMIO SASAMURA	
21	Taken on behalf of the Plaintiff	s at Alston Hunt Floyd &	
22	Ing, American Savings Bank Tower Suite 1800, Honolulu, Hawaii, co	, 1001 Bishop Street,	
23	Wednesday, October 14, 2015, pur		
24			
25	BEFORE: SHARON L. ROSS, RPR,	CKR, RMR, CSR No. 432	
			1

r		<b>.</b>	
	Page 2		Page 4
1	APPEARANCES:	1	INDEX, Continued
2		2	EXHIBITS
3	For Plaintiffs:		NO. DESCRIPTION PAGE
4	NICKOLAS A. KACPROWSKI, ESQ.	3	
5	KRISTIN L. HOLLAND, ESQ. (when noted)		19 Declaration of Ross S. Sasamura 184
6	Alston Hunt Floyd & Ing	4	
7	American Savings Bank Tower	5	
8	1001 Bishop Street, Suite 1800	6	
9	Honolulu, Hawaii 96813	7	
10	- and -	8	
11	DANIEL M. GLUCK, ESQ.	9	
12	ACLU of Hawaii Foundation	10	
13	P. O. Box 3410	12	
		13	
14	Honolulu, Hawaii 96801	14	
15	Fox Defendantes	15	
16	For Defendants:	16	
17	PAUL S. AOKI, ESQ.	17	
18	ERNEST H. NOMURA, ESQ.	18	
19	DAVID D. DAY, ESQ. (when noted)	19	
20	Department of the Corporation Counsel	20	
21	City and County of Honolulu	21	
22	530 South King Street, Room 110	22	
23	Honolulu, Hawaii 96813	23	
24		24	
25	Also Present: KATIE MULLINS	25	
	Page 3		Page 5
1	INDEX	1	ROSS SUMIO SASAMURA,
2	EXAMINATION BY: PAGE	2	· · · · · · · · · · · · · · · · · · ·
3	MR. KACPROWSKI 5	3	being first duly sworn to tell the truth, the whole
5	EXHIBITS	4	truth and nothing but the truth, was examined and
6	NO. DESCRIPTION PAGE	5	deposed as follows:
7	1 Article 19, Stored Property 77	6	EXAMINATION
8	2 Article 16, Nuisances of Public	7	BY MR. KACPROWSKI:
	Sidewalks 83	8	Q. Good morning, Mr. Sasamura. Can you state your
9		9	name for the record, please?
	3 Google Map 113	10	A. My name is Ross Sumio Sasamura.
10	1 Complete for Declaratory and	11	Q. I'm Nick Kacprowski. I'm an attorney here at
111	4 Complaint for Declaratory and	12	Alston Hunt Floyd & Ing, one of the attorneys for the
11 12	Injunctive Relief and Damages 121 5 Color Photo 122	13	plaintiffs in this case. I'm going to start by giving
12	6 Color Photo 122	14	you some instructions that will apply throughout the
14	7 Color Photo 122	15	course of the deposition.
15	8 Color Photo	16	First is I'll need all of your answers to be
16	9 Color Photo 122	17	verbal. So, the court reporter can't pick up nods of
17	10 Notice of Enforcement Action 152	18	the heads or anything like that.
1 .		19	A. (Witness nods head.)
18	11 Color Photo 158		
19	12 Color Photo 159	20	Q. The second instruction is that we'll take
19 20	12         Color Photo		Q. The second instruction is that we'll take periodic breaks. If you need one, please let me know;
19 20 21	12       Color Photo	20	-
19 20 21 22	12       Color Photo	20 21	periodic breaks. If you need one, please let me know; and we can try to accommodate you.
19 20 21 22 23	12       Color Photo	20 21 22	periodic breaks. If you need one, please let me know; and we can try to accommodate you. We'll need your I'm going to, when I ask a
19 20 21 22	12       Color Photo	20 21 22 23	periodic breaks. If you need one, please let me know; and we can try to accommodate you.

		Т	
	Page 22		Page 24
1	the second in command.	1	To your knowledge, is anyone involved in
2	Q. Okay. What are the various titles the members of	2	enforcement actions so, I'm talking not just anyone
3	the enforcement team would have?	3	on the enforcement team but anyone else who might be
4	A. Construction equipment operator.	4	involved in enforcement actions related to anyone
5	Q. Uh-huh.	5	else involved in enforcement actions?
6	A. And equipment operator.	6	A. I'm not sure.
7	Q. Okay. Any others?	7	Q. Okay. Are you related to anyone else involved in
8	A. Any others on the on the team? Is that what	8	enforcement actions?
9	you're asking me?	9	A. You're speaking to the stored property ordinance
10	Q. Yeah, any other titles that anyone on the	10	and sidewalk nuisance ordinance?
11	enforcement team would have?	11	Q. Yes, yes.
12	A. We also have a complaints investigator, and we	12	A. No.
13	have a clerk dispatcher.	13	Q. Okay. And you mentioned earlier you were in
14	Q. Okay. And the complaints investigator and the	14	Kakaako this morning. What were you doing there?
15	clerk dispatcher, would they be one of the six people on		A. I was there to be the media liaison.
16	the enforcement team?	16	Q. And how long did you spend there?
17	A. Those positions are assigned to the enforcement	17	A. I was there from approximately 5:30 this morning
18	team.	18	until approximately 8:30.
19	Q. Okay. And are they full-time positions? So, one	19	Q. And what did you do when you were there?
20	person's entire position, for instance, is the claims	20	A. Waited for the media.
21	what was it, claims or complaints	21	Q. Did you talk to any media?
22	A. Complaints investigator.	22	A. No.
23	Q. Complaints investigator. So, that's one person's	23	Q. Okay. Did you see was the enforcement action
24	complete job title?	24	going on this morning?
25	A. Yes, it is.	25	A. Yes, it was.
25			
	Page 23		Dage 25
1	Page 23 Q. And do you know which person that is?	1	Page 25 O. And what was happening this morning?
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2 3 4	<ul><li>Q. And do you know which person that is?</li><li>A. That position is vacant.</li><li>Q. Okay. Does anyone serve in that position as a on a temporary basis?</li></ul>	2 3 4	<ul><li>Q. And what was happening this morning?</li><li>A. The crew was continuing to work along Ohe Street.</li><li>Q. Were there any homeless individuals still on Ohe Street, or was the entire area roped off?</li></ul>
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1 A. I do no	Dago 2	_	Page 29
	Page 2 vt know.		Page 28 received in the form of complaints.
2 Q. Now, v	vhen there when the City impounds or	2	Q. How many times in the last year would you
	ns in public places, is that always done	3	estimate an enforcement action has been conducted on th
1 1	the SNO and SPO procedures?	4	weekend?
· ·	u repeat the question?	5	A. I'm not familiar with every instance. So, the
1	KACPROWSKI: Can you repeat that,	6	answer that I give you may not reflect the true
7 please?		7	number
8 THE	COURT REPORTER: Sure.	8	Q. Okay.
9 (The	e court reporter read the following:	9	A but I
	there when the City impounds or destroys	10	Q. Go ahead. Do your best.
	ic places, is that always done pursuant to	11	A. To the best of my knowledge, maybe a few times.
	SPO procedures?")	12	Q. Uh-huh.
	o you mean by "destroy"?	13	A. Two, maybe three times.
	. KACPROWSKI) That's a good question. So,	14	Q. Okay. Now, I've heard I've seen in prior
	oses of the deposition, what I mean when I	15	testimony and I don't know if it's yours or
	" I'm going to include put something in a	16	Mr. Shimizu's declarations in this case that the SPO
	nat will then be taken to the dump or to	17	and SNO is complaint driven. Is that something that
	g somewhere to be recycled or dismantled.	18	you you would agree with?
	being said, are you able to answer the	19	A. Yes.
20 question?		20	Q. And what exactly does that mean, that it's
	AOKI: Sorry. Hold it. Would you mind	21	complaint driven that the enforcement actions are
22 reading that		22	complaint driven?
23 (The	court reporter read the following:	23	A. The City receives complaints regarding anything
	there when the City impounds or destroys	24	that's blocking access to sidewalks or to public
25 items in publ	ic places, is that always done pursuant to	25	facilities, and we respond to those complaints.
		ļ	
		1	
	Page 27	1.	Page 29
	SPO procedures?")	1	Q. And when you receive a complaint, how quickly is
2 MR.	SPO procedures?") AOKI: Objection, overbroad.	1 2	Q. And when you receive a complaint, how quickly is the typical turn-around between receiving the complaint
2 MR. 3 A. We foll	SPO procedures?") AOKI: Objection, overbroad. ow the procedures consistently.	1 2 3	Q. And when you receive a complaint, how quickly is the typical turn-around between receiving the complaint and the conducting of an enforcement action?
2 MR. 3 A. We folle 4 Q. (BY MR	SPO procedures?") AOKI: Objection, overbroad. ow the procedures consistently. . KACPROWSKI) Okay. Is there a schedule	1 2 3 4	<ul><li>Q. And when you receive a complaint, how quickly is the typical turn-around between receiving the complaint and the conducting of an enforcement action?</li><li>A. I can't answer that question. I'm not involved</li></ul>
2 MR. 3 A. We folk 4 Q. (BY MR 5 in advance o	SPO procedures?") AOKI: Objection, overbroad. ow the procedures consistently. . KACPROWSKI) Okay. Is there a schedule f where you conduct enforcement actions?	1 2 3 4 5	<ul><li>Q. And when you receive a complaint, how quickly is the typical turn-around between receiving the complaint and the conducting of an enforcement action?</li><li>A. I can't answer that question. I'm not involved in that process of receiving the complaints and</li></ul>
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Page 30         Page 32           2         strike it and ask enother one.         De all complaints lead to an enforcement action?         A. A fast as I know, yes.         2         Q. So, If the enforcement team is not already           4         Q. Does someone investigate the complaints before an enforcement action, pould that person be?         3         A. A fast some action. Beyons?         6         A. Would they start out there?         7         Q. And who would that person be?         6         A. Would they start out there?         7         Q. And who would that person be?         8         A. Is that what you're asking?         9         Q. Yaah.           10         hepress 2         8         A. Is that what you're asking?         9         Q. Yaah.           11         he investigates it and, if it's vail, he then conducts         11         Q. And who would that persons be.?         8         A. Is that what you're asking?         9         Q. Yaah.           13         A. I believe that's correct; bu I don't have         11         Q. And with papers = so, let me         13         action or is tho you all ant process.         16         approval from anyone else, to           14         optics, If is approval from anyone else, to         19         after thab         10         oftics, you walk me through what papers           15         approval from anyone else, to <td< th=""><th></th><th></th><th></th><th></th></td<>				
2       Deall complaints lead to an enforcement action?       2       Q. So, if the enforcement team is not already.         3       A. As far as I know, yes.       conducting an enforcement team is not already.         5       enforcement action begins?       A. It show which they so, yes.       A. It show which they so, yes.         7       Q. And who would that person be?       A. Not find an off-ocemental team is not person be?       A. It show which they so, yes.         9       Q. So, can you waik me through a little what       9       Q. Yees.         10       happens? Is it that thr. Shimizu receives a complaint, in the investigates it and, if It's vaild, he them conducts an enforcement action?       A. Yes.         11       network the son to concert, the investigates it and, if It's vaild, he them conducts       A. Yes.         16       Decky, Can Mr. Shimizu begin an enforcement       A. Yes.         17       action aris is own discretion or does he have to get to my knowledge.       10         18       approval from anyone else?       19       after that? some the some valle methory, yea, analyze, analyz			1 .	Page 32
3       A. As far as I know, yes.       3       conducting an enforcement action, wild they - would         4       Q. Does someone investigate the complaints before an enforcement action who would that person be?       A. I believe so, yes.       6       A. Would they start out there?       7         6       A. Toblicve so, yes.       6       A. Would they start out there?       7       Q. Adv who would that person be?       8       A. Would they start out there?       7       Q. Yes.       8       A. Is that what you're asking?       9       Q. Yes.       8       A. Is that what you're asking?       9       Q. Yes.       8       A. Is that what you're asking?       9       Q. Yes.       8       A. Is that what you're asking?       9       Q. Yes.       8       A. Is that what you're asking?       9       Q. Yes.       8       A. Is that what you're asking?       9       Q. Yes.       8       A. Is that what you're asking?       9       Q. Yes.       8       A. Is that what you're asking?       9       Q. Yes.       8       A. Is that what you're asking?       9       Q. Yes.       10       A. Yes.       10       10       Yee on that that yee on yee ont that that yee on yee on that that yee on yee on that that yee o	1			
4       Q. Does someone investigate the complaints before an       4       they start out from the Kakaako I'm going to call it         5       enforcement action begins?       A. It believe so, yes.       A. Mould they start out there?         7       Q. And who would that persons be?       A. Mould they start out there?       Q. Yes.         9       Q. So, can you walk me through a litle what       9       Q. Yes.         10       happens? Is that M. Shimizu begins an enforcement action?       A. Holdieve that's correct, but I don't have       10       A. Yes.         11       neinvestigates it and, if it's valid, he then conducts       11       Q. Nay, Can Mr. Shimizu begin an enforcement       13       A. Yes.         14       firsthand knowledge in what happens because, again, I'm       14       Q. So, when they - so, what happens - so, let me         17       action a his own discretion or does he have to get       13       A. Yes.         19       approval from anyone else?       10       hare walkdes and them they go and then what happens         10       A. Would wet start out from on yone size?       10       hare walkdes and them they go and then what happens         11       action a his own discretion or does he have to get       13       harveshicks and them they go and then what happens         12       Q. Neay, If1 guess the only other person				
S       enforcement action begins?       5       the headquarters.         6       A. I believe so, yes.       7       Q. Yes.         8       A. Mr. Shimizu.       8       A. Stat bat Wast you're asking?         9       Q. So, can you walk me through a little what       10       happens? Is it that Mr. Shimizu receives a complant,         11       he investigates it and, if it's valid, he then conducts       11       Q. Are the same vehicles generally used for each         13       A. I believe that's correct, but I don't have       14       Q. So, When't fit's – so, what happens – so, let me         16       Q. Okay, Can Mr. Shimizu begin an enforcement       13       A. Yes.         17       action at his own discretion or does he have to get       14       Q. So, when through wait happens       90, With the person         12       Q. Okay, If I guess the only other person       12       with would get it from other than you and         12       anyone else he would get it from other than you and       Mr. Sugihara?       11       the enforcement action? What are the steps that of court are         14       anyone else he would get it from other than you and       Mr. R. AOKI: Same objection, Trat's vague and       11         14       anyone else he would get it from other than you and       Mr. So, depending on the situation, we may need       14 </td <td>1</td> <td></td> <td></td> <td>- · · ·</td>	1			- · · ·
6       A. I believe so, yes.       6       A. Would they start out there?         7       Q. And who would that person be?       9       Q. So, can you walk me through a little what         9       Q. So, can you walk me through a little what       9       Q. Yesh.         10       happens? Isi that M., Shimizur begins an enforcement action?       9       Q. Yesh.         11       he linvestigates it and, if it's valid, he then conducts       10       A. Yes.         11       an enforcement action?       0       N. Yes.         12       an enforcement action?       10       A. Yes.         13       A. I believe that's correct;       11       Q. So, when they on admin the process.       11         14       firsthand knowledge in what happens because, again, I'n       11       2       So, when they on admin they conserved they action at the process of they action at the one of the one of the second they are the approval from anyone else?         15       a myone else?       10       A. He doesn't require approval from anyone else?       10       M. R. AOKI: Same objection, wague, ambiguous;         21       Q. Okay. Can you walk me through what happens       21       Q. May. Can you walk me through what happens       21       A. They would drive to whatever location they are         23       A. Notic my knowledge.       25       Q	1			
7       Q. And who would that person be?       8       A. Mr. Shimizu.         8       A. Mr. Shimizu.       9       Q. Yes         10       happens? Is it that Mr. Shimizu receives a complaint,       10       A. Yes.         11       he investigates it ad, if it's vail, he then conducts       11       A. Yes.         13       A. I believe that's correct; but I don't have       11       Q. And are the same vehicles generally used for each         13       A. I believe that's correct; but I don't have       11       Q. And are the same vehicles generally used for each         14       Q. So, when they = so, what tappens = so, let me       13       A. Yes.         15       and reforcement action?       14       G. So, when they = so, what tappens = so, let me         16       approval from anyone else?       15       ask my earlier question. Can you walk me through what happens         16       approval from anyone else, to       16       the enforcement action? you walk me through what happens         17       Q. So, to the extent he needed approval, is there       20       Mr. Sugihara?         11       A. Not to my knowledge.       21       A. They would drive to whatever location they are reading to where we stage and then they of a admits the extens the stage of a admits the extens the action?         11       anyone else he would get if from		-	1	•
8       A. Mr. Shimizu.       9       Q. So, can you walk me through a little what       9       Q. Yeah.         11       he investigates it and, if it's valid, he then conducts       10       A. Yes.         12       an enforcement action?       11       A. T believe that's correct; but I don't have       11       Q. And are the same vehicles generally used for each         13       A. I believe that's correct; but I don't have       11       Q. And are the same vehicles generally used for each         14       firsthand knowledge in what happens because, again, I''       14       Q. So, what happens what happens is bo, left me         15       ast proval from anyone else?       15       haw reatify question. Can you walk me through what         19       A. He doesn't require approval from anyone else, to ony kinweldige.       16       Q. Okay, If - 1 guess the only other person         22       between you and Mr. Shimizu is Mr. Sughara; is that correct.       20       MR. AOKI: Same objection, vague, ambiguous,         21       anyone else he would get it from other than you and ambiguous, overbroad.       1       ther enforcement action?         24       A. That's correct.       20       (RY MR. KACPROWSKI) Okay. What's the process of traffic and address the work area       1         23       anyone else he would get it from other than you and ambiguous, overbroad.       1       4	1			
9       Q. So, can you walk me through a little what 10 happens? Is it that Mr. Shimizu receives a complaint, 11 he investigates it and, if it's valid, he then conducts 12 an enforcement action?       9       Q. Yeah.         11       1       he investigates it and, if it's valid, he then conducts 13 A. I believe that's correct; but I don't have 14 Q. So, when they = so, what happens = so, let me 15 not directly involved in that process.       10       A. Yes.         12       an offorcement action?       Yes.       14       Q. So, what happens? = so, let me 15 ask my earlier question. Can you walk me through what 16 happens when the enforcement team is called or sent to 17 gio on an enforcement action, you know, ence they get in 18 ther vehicles and then they do and then what happens 19 after that?         10       A. That's correct.       10       A. That's correct.         11       Q. Okay. If1 guess the only other person 20       Wr. Sugihara?       14       Wr. Sugihara?         11       anyone else he would get it from other than you and 21       Page 31 23       1       They would drive to whatever location they are 23 responding to a complaint on and then begin their 24 refrorement action?       Page 32 23         11       anyone else he would get it from other than you and 24       A. That's correct.       25       Q. (BY MR. KACPROWSKI) Okay. What's the process of 25         11       work area by use of barier tape or other many no 26       A. That's would set to ron would that'pene 27       Page 33 1		-	1	-
10       A pagens? Is it that Mr. Shimizu receives a complaint, 11       10       A. Yes.         11       an enforcement action?       11       Q. And are the same vehicles generally used for each         13       A. I believe that's correct; but I don't have       11       Q. So, what happens = so, let me         15       not directly involved in that process.       14       Q. So, when they = so, what happens = so, let me         16       Q. Okay. Can Mr. Shimizu begin an enforcement       15       ask my carlier question. Can you walk me through what         16       Q. Okay. Can Mr. Shimizu begin an enforcement       16       happens when the enforcement action, you know, once they get in         17       of on an enforcement action, would show, once they get in       18       their vehicles and then they go and then what happens         18       ther vehicles and then they go and then what happens       19       after that?         20       orrect?       20       orrect?       10       orderboad,         24       A. That's correct.       22       Q. Wey. Karchy was wherever it starts.       23         2       Mr. Suginara?       14       eaforcement action? What are the steps that occur?         24       A. That's correct.       29       Q. (BY MR. KACPROWSKI) Okay. What's the process of         2       Mr. Suginara			1	
11       he investigates it and, if it's valid, he then conducts       11       Q. And are the same vehicles generally used for each action?         12       an enforcement action?       11       Q. And are the same vehicles generally used for each action is it you can answer that.         13       A. I believe that's correct; but I don't have       13       A. Yes.         14       Q. So, when they so, what happens so, left me       5 ask my earlier question. Can you walk me through what the appens when the enforcement team is called or sent to         16       approvide from anyone else?       18       their vehicles and then they go and then what happens         19       A. He doesn't require approval from anyone else?       19       after that?         20       Wr. Kay, If I guess the only other person       21       overbroad.         21       overbroad.       22       A. That's correct.       22       A. That's correct.         23       A. Not to my knowledge.       10       A. Not to my knowledge.       23       O. (BY MR. KACPROWSKI) Okay. What's the process of         3       A. Not to my knowledge.       1       Wr. Sogihara?       1       Mr. AOKI: Objection. That's vague and         3       A. Not to my knowledge.       1       Mr. AOKI: Objection. That's vague and       1         4       A. So, depending on the situation,				-
12       an enforcement action?       12       action or isit you can answer that.         13       A. I believe that's correct; but I don't have       13       A. Yes.         14       firsthank knowledge in what happens because, again, I'm       13       A. Yes.         15       not directly involved in that process.       60, So, When they So, what happens So, left me         15       action at his own discretion or does he have to get       14       A. Yes.         16       Q. Okay. Can Yr. Shimizu begin an enforcement       16       happens when the enforcement action, you walk me through what happens         17       do on an enforcement action, you walk me through what happens       17       so on an enforcement action, you walk me through what happens         18       their vehicles and then they go and then what happens       18       their vehicles and then they go and then what happens         17       do on an enforcement action, you walk me through what happens       21       Overbroad.         24       A. That's correct.       22       A. That's correct       22         25       Q. So, to the extent he needed approval, is thre       25       Q. (BY MR. KACPROWSKI) Okay. Can you walk me through what happens, what         16       enforcement action, so from the moment the       enforcement action, so from the moment the       4. So, depending on the situation,			1	
13       A. I believe that's correct; but I don't have       13       A. Yes.         14       firsthand knowledge in what happens because, again, Tm       14       Q. So, When they — so, what happens — so, let me         15       ask my carlier question. Can you walk me through what       15       ask my carlier question. Can you walk me through what         16       Q. Okay. Can Yr. Shimizu begin an enforcement       15       ask my carlier question. Can you walk me through what         17       action at his own discretion or does he have to get       16       happens when the enforcement action, you know, once they get in         18       approval from anyone else?       19       A. He doesn't require approval from anyone else, to         20       Nr. Nughtara;       20       MR. AOKI: Same objection, vague, ambiguous;         21       overbroad.       22       A. That's correct.         22       Q. So, to the extent he needed approval, is there       25       Q. (BY MR. KACRENOVSKI) Okay. What's the process of         21       anyone else he would get it from other than you and       14       A. So, depending on the situation, we may need         3       A. Not to my knowledge.       3       14       the enforcement action? What are the steps that occur?         3       A. Not to my knowledge.       3       3       So, depending on the situation, we may need </td <td></td> <td></td> <td></td> <td></td>				
14       firsthand knowledge in what happens because, again, I'm       14       Q. So, when they - so, what happens - so, let me         15       not directly involved in that process.       15       ack my earlier question. Can you walk me through what         16       Q. Okay, Can Mr. Shinizu begin an enforcement       15       ack my earlier question. Can you walk me through what         17       action at his own discretion or does he have to get       16       happens when the enforcement team is called off sent too         18       approval from anyone else?       17       go on an enforcement action, you know, once they get in         18       ther vehicles and then they go and then what happens       iffer that?         20       MR. AOKI: Same objection, vague, ambiguous;       coretr         21       Q. Okay, I'n - I guess the only other person       21       coretrod         22       A. That's correct.       22       A. They would drive to whatever location they are         23       anyone else he would get it from other than you and       MR. AOKI: Same objection, vague, ambiguous;       33         3       A. Not to my knowledge.       4       A. So, depending on the situation, we may need       5         4       Q. Okay. Can you walk me through what happens, what       4       A. So, depending on the situation, we may need       5         5	1		1	
15       not directly involved in that process.       15       ask my earlier question. Can you walk me through what         16       Q. Okay. Can Mr. Shimizu begin an enforcement       16       happens when the enforcement team is called or sent to         18       approval from anyone else?       18       their vehicles and then they go and then what happens         19       A. He doesn't require approval from anyone else, to       7       go on an enforcement action, you walk me through what         20       Okay. If I guess the only other person       21       overbroad.         21       Q. Okay. If I guess the only other person       21       overbroad.         22       between you and Mr. Shimizu is Mr. Sugihara; is that       22       A. They would drive to whatever location they are         23       A. That's correct.       23       A. That's correct.       24       enforcement action.       25       Q. (BY MR. KACPROWSKI) Okay. What's the process of         23       A. Not om y knowledge.       14       the enforcement action? What are the steps that occur?       25         34       A. Not om y knowledge.       3       4       A. So, depending on the situation, we may need         5       during an enforcement action, so from the moment the       6       extrail issues relating to pedestrian foot traffic, and address the work area         9<	1			
16       Q. Okay. Can Mr. Shimizu begin an enforcement       16       happens when the enforcement taxin is called or sent to         17       action at his own discretion or does he have to get       17       go on an enforcement action, you know, once they get in         18       approval from anyone else?       18       their vehicles and then they go and then what flappens         19       A. He doesn't require approval from anyone else, to       18       MR. AOKI: Same objection, vague, ambiguous,         20       werbroad.       22       A. That's correct.       20       MR. AOKI: Same objection, vague, ambiguous,         21       anyone else he would get it from other than you and       23       correct?       24       A. That's correct.       24         2       Mr. Sugihara?       25       Q. Okay. Can you walk me through what happens       25       Q. Okay. Can you walk me through what happens       11       the enforcement action? What are the steps that occur?         2       MR. AOKI: Objection. That's vague and       17       MR. AOKI: Objection. That's vague and       16       for a - from a safety perspective         3       ambiguous, overforad.       9       A then weak owner were tast.       10       then we heides that are used in         11       eacthy are you asking for?       14       A okay.       14       And then depending on th				
17action at his own discretion or does he have to get17go on an enforcement action, you know, once they get in18approval from anyone else?1819A. He doesn't require approval from anyone else, toafter that?20my knowledge.20MR. AOKI: Same objection, vague, ambiguous,21Q. Okay. If - I guess the only other person21everbroad.22A. That's correct.23A. That's correct.2425Q. So, to the extent he needed approval, is there25Q. (BY MR. KACPROWSKI) Okay. What's the process of28Page 3111anyone else he would get it from other than you and1the enforcement action? What are the isteps that occur?29Q. Okay. Car you walk me through what happens13A. Not to my knowledge.44Q. Okay. Car you walk me through what happens15during an enforcement action, so from the moment the66enforcement action, so from the moment the66enforcement action, for?77MR. AOKI: Objection. That's vague and8ambiguous, overbroad.9Q. (BY MR. KACPROWSKI) You can answer.10A. When you say take you through what happens, what11exactly are you asking for?12Q. Well, let me let me come back to that13question.14A. Okay.15Q. And so well Isrike it for now.16First, where physically is the headquarters of <td< td=""><td>1</td><td></td><td>1/</td><td></td></td<>	1		1/	
18       approval from anyone else?       18       their vehicles and then they go and then what happens         19       A. He doesn't require approval from anyone else, to       19       after that?         20       OKay. If I guess the only other person       20       MR. AOKI: Same objection, vague, ambiguous,         21       Q. Okay. If I guess the only other person       20       MR. AOKI: Same objection, vague, ambiguous,         22       A. That's correct.       20       MR. AOKI: Same objection, vague, ambiguous,         23       correct?       20       MR. AOKI: Same objection, vague, ambiguous,         24       A. That's correct.       20       MR. AOKI: Same objection, vague, ambiguous,         25       Q. So, to the extent he needed approval, is there       25       Q. (BY MR. KACPROWSKI) Okay. What's the process of         2       MR. AOKI: Carpou waik me through what happens       4       A. So, depending on the situation, we may need         3       A. Not to my knowledge.       4       A. So, depending on the situation, we may need       5         4       MR. AOKI: Objection. That's vague and       8       for a - from a safety perspective.       9         9       Q. (BY MR. KACPROWSKI) You can answer.       9       After the crew has all of those issues addressed,         10       A. More you say take you				
19       Å. He doesn't require approval from anyone else, to       19       äfter that?         20       my knowledge.       20       MR. AOKI: Same objection, vague, ambiguous,         21       Q. Okay. If1 guess the only other person       20       werkroad,         22       A. That's correct.       23       responding to a complaint on and then begin their         23       responding to a complaint on and then begin their       24         24       A. That's correct.       24       enforcement action,         25       Q. okay. Can you walk me through what happens       fue enforcement action, what's the process of         7       MR. AOKI: Same objection, vague, ambiguous,         24       A. That's correct.       24         25       Q. Okay. Can you walk me through what happens       fue enforcement action, wague, ambiguous,         3       A. Not to my knowledge.       4         4       A. So, depending on the situation, we may need       traffic control. We may need to deal with other         6       enforcement action, so from the moment the       enforcement actions, wague, ambiguous,         6       enforcement team leaves wherever it starts.       6         7       MR. AOKI: Same objection, wague, ambiguous,       7         9       Q. (BY MR. KACPROWSKI) You can answer.		-	17	
20       my knowledge.       20       MR, AOKI: Same objection, vague, ambiguous, overbroad,         21       Q. Okay. If I guess the only other person       21       overbroad,         21       Detween you and Mr. Shimizu is Mr. Sugihara; is that       22       A. They would drive to whatever location they are         24       A. That's correct.       24       A. That's correct.       24       Page 31         25       Q. So, to the extent he needed approval, is there       25       Q. (BY MR. KACPROWSKI) Okay. What's the process of         3       A. Not to my knowledge.       20       (BY MR. KACPROWSKI) Okay. What's the process of         4       Q. Okay. Can you walk me through what happens       3       overbroad.         5       during an enforcement action, so from the moment the       external issues relating to pedestrian foot traffic,         6       exactly are you asking for?       9       After the crew has all of those issues addressed,         10       then they would details the person you aking for?       11       work area by use of barrier tape or other means to         12       Q. Well, let me let me come back to that       12       control access.       14         14       A. Okay.       14       And then depending on the situation, then they         13       question.       14       An	1	•••	E C	
21       Q. Okay. If I guess the only other person       21       overbroad.         22       A. That's correct.       23       A. That's correct.         23       A. That's correct.       23       Page 31         24       A. That's correct.       25       Q. So, to the extent he needed approval, is there       25         25       Q. So, to the extent he needed approval, is there       26       War. KACPROWSKI) Okay. What's the process of         26       M. Not to my knowledge.       20       (BY MR. KACPROWSKI) Okay. What's the process of         3       A. Not to my knowledge.       3       1       the enforcement action? What are the steps that occur?         3       A. Not to my knowledge.       3       overbroad.       4         4       Q. Okay. Can you walk me through what happens       4       A. So, depending on the situation, we may need       5         5       MR. AOKI: Objection. That's vague and       4       A. So, depending on the situation dotters       6         6       exactly are you asking for?       7       relating to vehicle traffic, and address the work area       8         7       Q. Okay. And so we'll strike it for now.       10       then they would establish a government twork zone or a         11       exactly are you asking for?       10       w				
22       between you and Mr. Shimizu is Mr. Sugihara; is that       22       A. They would drive to whatever location they are         23       correct?       24       A. That's correct.       23         24       A. That's correct.       24       A. That's correct.       25         25       Q. So, to the extent he needed approval, is there       26       Q. (BY MR. KACPROWSKI) Okay. What's the process of         2       Mr. Sugihara?       21       the enforcement action? What are the steps that occur?         2       Mr. Sugihara?       21       the enforcement action? What are the steps that occur?         3       A. Not to my knowledge.       20       Okay. Can you walk me through what happens         4       Q. Okay. Can you walk me through what happens, what       21       Mr. Sugihara?         3       ambiguous, overbroad.       7       relating to vehicle traffic, and address the work area         6       ambiguous, overbroad.       9       Q. (BY MR. KACPROWSKI) You can answer.         10       A. When you say take you through what happens, what       10       then they would establish a government work zone or a         11       exactly are you asking for?       11       work area by use of barrier tape or other means to         12       Q. Well, let me let me come back to that       12       control				
23       correct?       23       responding to a complaint on and then begin their         24       A. That's correct.       24       A. That's correct.       25       Q. (BY MR. KACPROWSKI) Okay. What's the process of         25       Q. (BY MR. KACPROWSKI) Okay. What's the process of       Page 31         1       anyone else he would get it from other than you and       1       the enforcement action? What are the steps that occur?         2       Mr. Sugihara?       3       A. Not to my knowledge.       4       A. Not to my knowledge.         4       Q. Okay. Can you walk me through what happens       5       during an enforcement action, so from the moment the         6       enforcement team leaves wherever it starts.       6       external issues relating to vehicle traffic, and address the work area         8       ambiguous, overbroad.       9       Q. (BY MR. KACPROWSKI) You can answer.       9         10       A. When you say take you through what happens, what       10       then they would establish a government work zone or a         13       question.       11       work area by use of barrier tape or other means to         12       Q. Well, let me let me come back to that       12       control access into the area for the safety of everyone         13       involved.       14       An dthen depending on the situation, then they<	1			
24       A. That's correct.       24       enforcement action.         25       Q. So, to the extent he needed approval, is there       25       Q. (BY MR. KACPROWSKI) Okay. What's the process of         7       Page 31       anyone else he would get it from other than you and       1       the enforcement action? What are the steps that occur?         2       Mr. Sugihara?       A. Not to my knowledge.       3       A. Not to my knowledge.       3         4       Q. Okay. Can you walk me through what happens       5       traffic control., We may need to deal with other         6       enforcement team leaves wherever it starts.       6       external issues relating to pedestrian foot traffic,         7       MR. AOKI: Objection. That's vague and       8       for a - from a safety perspective.         9       Q. (BY MR. KACPROWSKI) You can answer.       9       A then you asy take you through what happens, what       10         11       exactly are you asking for?       10       then they would establish a government work zone or a         12       Q. Mell, let me let me come back to that       12       control access into the area for the safety of everyone         13       involved.       14       And then depending on the situation, then they         14       A. Okay.       14       And then depending on the situation, then they	1	,		
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	Q. Are there any complaints where he would have to	1	our law enforcement partners assist us in checking tents
2	consult with you before disposing of the complaint?	2	before we actually establish the work zone.
3	A. Disposing of it or addressing it?	3	Q. Okay. Is it the law enforcement partners that do
4	Q. Yeah. Before making a final decision on how to	4	the roping off of the areas or is it the enforcement
5	address the complaint, are there any complaints where he	5	team members?
6	would have to consult with you first?	6	A. It's the enforcement team members.
7	A. No.	7	Q. Okay. And how do they ensure that there's no one
8	Q. So, for example, if someone complained that they	8	in the shelters or tents before they rope off what
9	had their property destroyed when it shouldn't have	9	you're calling the safe areas?
10	been, that's something that Mr. Shimizu has the	10	A. There's no deliberate attempt to make sure that
11	discretion to handle all by himself?	11	there's no one there. The area is taped off to prevent
12	A. He would.	12	other people from entering and to make the area clear
13	Q. Are you aware of any incidents occurring where	13	and safe for everyone involved.
14	people have been injured during enforcement actions?	14	Q. Okay. What if someone is in the area that's been
15	A. When you say "people," you're speaking to City	15	taped off? Is there no way or policy or practice of
16	people?	16	ensuring that there's no one in the area when it's taped
17	Q. Yeah, either City anyone, City people,	17	off?
18	individuals, other cit any person.	18	A. When people are within the taped area within an
19	A. Injured directly?	19	encampment, they are asked to remove their life's
20	Q. Yeah, directly injured physically during	20	necessities and leave the taped-off area.
21	enforcement action.	21	Q. Uh-huh. And has that policy been when was
22	A. I can't recall any.	22	that policy created?
23	Q. Are you aware of any incidents where people have	23	A. It's been in place as long as I'm aware.
24	been roped off have been in their tent and the tent	24	MR. KACPROWSKI: Okay. You know, it's noon
25	area has been roped off around them when an enforcemen	25	now. We can break if you folks want to. Let's go off
	Dara 102		D- ve d 05
1	Page 103 action was occurring?	1	Page 105 the record.
2	A. Yes.	2	(Recess from 12:03 p.m. to 1:04 p.m.)
3	Q. What incidents are you aware of regarding that?	3	(Mr. David Day is not present.)
4	A. The only one that I can recall at the moment is	4	MR. KACPROWSKI: Back on the record.
5	at Thomas Square.	5	Q. (BY MR. KACPROWSKI) So, I want to ask you, has
6	Q. Uh-huh. Okay. Can you describe what the what	6	the City ever destroyed someone's identification during
7	the issue was with that incident?	7	an enforcement action?
8	A. The issue was that there was a sidewalk nuisance	8	A. Destroyed?
9	violation, and there was someone within a tent. And	9	Q. Yeah, disposed of, thrown in the garbage.
10	during the establishment of the safe work zone, the	10	A. Not to my knowledge.
11	person was asked to come out.	11	Q. Have you read articles in the media about
12	Q. Okay. Was it the enforcement team's position	12	homeless people having their identification destroyed?
13	that that person was refusing to come out or that it was	13	A. I may have.
14	the person unintentionally was in there and the City	14	Q. Okay. Do you think that someone has had their
15	didn't know that it had roped that person off?	15	identification destroyed even if accidentally?
16	A. The person may have been sleeping in the tent.	16	A. I don't believe so.
17	Q. Is that the only one any other incident that	17	Q. So, you so, any time any homeless person has
18	you're aware of of the enforcement team roping off a	18	claimed to have had their identification destroyed
19	tent with people in the tent?	19	during an enforcement action, you think that that is
	A. That's the only one that I can recall at the	20	false?
20			
20 21	moment.	21	A. What I'm saying is if there are media reports
		21 22	A. What I'm saying is if there are media reports about issues like that, I'm not certain of their source
21	moment.		
21 22	moment. Q. Is there any policy regarding checking tents or	22	about issues like that, I'm not certain of their source
21 22 23	moment. Q. Is there any policy regarding checking tents or other shelters for people before it is roped off to	22 23	about issues like that, I'm not certain of their source of information.

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	Page 158		Page 160
1	Q. So, for example, you have not reviewed the	1	Q. Next is Exhibit 13.
2	criteria that the City of Fresno, California uses?	2	(Sasamura Exhibit No. 13 marked.)
3	A. No.	3	Q. (BY MR. KACPROWSKI) Now, is Exhibit 13 is
4	Q. You've not reviewed the criteria that the City of	4	this Mr. Shimizu?
5	Eugene, Oregon uses?	5	A. Yes, it is.
6	A. No.	6	Q. Okay. Exhibit 14.
7	Q. You've not reviewed the criteria that the City of	7	(Sasamura Exhibit No. 14 marked.)
8	Seattle uses?	8	Q. (BY MR. KACPROWSKI) Now, do you recognize the
9	A. No.	9	individual in Exhibit 14?
10	Q. I'm not going to list any more cities, but is it	10	A. Yes.
11	correct that I could list any city and you wouldn't be	11	Q. And who is that?
12	aware of the criteria those cities used?	12	A. That is Corporal Leland Cadoy, C-A-D-O-Y, of the
13	A. I would not be aware of the criteria those cities	13	Honolulu Police Department.
14	used.	14	Q. And what was his responsibility during the sweeps
15	Q. Okay. Are you have you been involved in any	15	in the Kakaako area in the last two months?
16	discussions with anyone else within the City or any of	16	A. During the enforcement actions Corporal Cadoy was
17	the other Kakaako stakeholders of implementing a policy		there to maintain peace and order.
18	that prohibited the destruction of certain of certain	18	Q. Was he the head of the HPD's crew there?
19	personal property and actually listed that type of	19	A. No.
20	property?	20	Q. Who was the person that was the head of the HPD's
21	A. No.	21	crew?
22	Q. I'm going to move on to what I'll mark as	22	A. Major Roy Sugimoto.
23	Exhibit 11.	23	Q. And was Corporal
24	(Sasamura Exhibit No. 11 marked.)	24	A. Cadoy.
25	Q. (BY MR. KACPROWSKI) Do you recognize this	25	Q Cadoy there every day during those sweeps?
		2.5	Q. Gudoy there every day during those streeps.
	Dece 150		
	Page 159		Page 161
1	individual in Exhibit 11?	1	Page 161 A. I believe so.
1 2	-	1 2	
1	individual in Exhibit 11?		A. I believe so.
2	individual in Exhibit 11? A. I think I do. I can't say with certainty because	2	<ul><li>A. I believe so.</li><li>Q. How about Major Sugimoto?</li></ul>
2 3	<ul><li>individual in Exhibit 11?</li><li>A. I think I do. I can't say with certainty because of the profile.</li><li>Q. Okay. Who do you think it is?</li><li>A. I think that's Steve.</li></ul>	2 3 4 5	<ul> <li>A. I believe so.</li> <li>Q. How about Major Sugimoto?</li> <li>A. I'm not sure.</li> <li>Q. So, next is Exhibit 15. (Sasamura Exhibit No. 15 marked.)</li> </ul>
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1	on that concern?		A. Our clerk dispatcher.
2	A. I provided the neighborhood board members with	2	Q. And is that a specific person or is that a title
3	the telephone number for our enforcement team, 768-3585;	3	that could be occupied by whoever's on call at that
4	and I asked them to report any and all concerns	4	time?
5	regarding access, regarding any safety issues. And it	5	A. That's a specific person.
6	wasn't limited to encampments but also included any	6	Q. And who is that?
7	issues that related to businesses as well as residents.	7	A. Her name is Melita Pedrina.
8	Q. Did you attend that neighborhood board meeting as	8	Q. And what happens when well, before I go on,
9	a in your capacity as a City official or just as a	9	can you spell that?
10	resident of the City or of that neighborhood?	10	A. M-E-L-I-T-A, last name, P-E-D-R-I-N-A.
11	A. As a City official.	11	Q. And what happened when she receives calls on that
12	Q. Are you aware of any issues with individuals	12	hotline?
13	blocking the sidewalks in Hawaii Kai?	13	A. I'm not sure exactly.
14	A. Not sidewalks specifically.	14	Q. Is that hotline specific to sidewalk nuisance
15	Q. Are you aware of any issue with people blocking	15	issues or is it for other complaints that would be
16	the sidewalks in Kahala?	16	within DFM's jurisdiction?
17	A. No.	17	A. That telephone number is to report both stored
18	Q. Are you aware of any issues with people blocking	18	property and sidewalk nuisance issues.
19	sidewalks in Kailua?	19	Q. Is it used to report any other issues?
20	A. I'm not.	20	A. Only those issues related to those two
21	Q. Are you aware of any issue with people blocking	21	ordinances.
22	sidewalks in Kaneohe?	22	Q. Okay. So, it's a number that was set up
23	A. No.	23	specifically for issues with those ordinances?
24	Q. Are you aware of any issue of people blocking the	24	A. Yes.
25	sidewalks in Wahiawa?	25	Q. And Ms. Pedrina, I take it, has other job
			Dec. 177
1	A. There may be.	1	Page 177 responsibilities other than answering that phone; is
2	Q. What awareness do you have of issues in Wahiawa?	2	that correct?
3	A. I believe Wahiawa also had some concerns	3	A. That's correct.
4	regarding encampments that encroach into roadway areas	4	Q. And has she ever if she receives complaints
5	or unimproved shoulder areas.	5	relating to sidewalk nuisance or stored property issues,
6	Q. When did you become aware of those concerns?	6	who generally would she go to to address those
7	A. It's an ongoing concern perhaps maybe going back	7	complaints?
8	as far as two years.	8	A. I believe it would be Mr. Shimizu.
9	Q. So, the concern about issues with people blocking	9	Q. Has she ever gone to you in the first instance?
10	the sidewalks in Wahiawa, that's something that's still	10	A. I'm sorry. I don't understand the question.
11	an issue, to your to your knowledge?	11	Q. Before going to Mr. Shimizu, has she ever gone to
12	A. I I believe so.	12	you with a complaint on
13	Q. Are you aware of anyone of any issue with	13	A. Not
14	people blocking the sidewalks in Waialae?	14	Q on SPO or SNO issues?
15	A. Waialae?	15	A. Not that I can recall.
16	Q. Yeah, Waialae. Sorry.	16	Q. Have you ever consulted with other counties in
17	A. No, I'm not.	17	the state regarding their responses to homelessness?
18	Q. Are you aware of any issue with people blocking	18	A. No, I have not.
19	the sidewalks in Waimanalo?	19	Q. How long were you aware of the homeless
20	A. No, I'm not.	20	encampment in Kakaako that was the subject of the recent
21	Q. You mentioned the City the DFM hotline number,	21	enforcement actions?
22	768-3585?	22	A. I believe for the past several years.
23	A. Yes.	23	Q. Why was it that it was cleared starting only last
24	Q. Who mans that number? Who answers the phone when	24	month after not being subject to any enforcement actions
25	that number is called?	25	for several months before that?
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Appendix D1

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	Page 178		Page 180
1	A. There were issues relating to the effectiveness	1	Q. Is it fair to say that you're towards the end of
2	of the enforcement actions, primarily the result of	2	those enforcement actions and the hope is that going
3	different governmental jurisdictions being involved.	3	forward soon it will be enforcement actions on an
4	Q. You mean issues regarding the effectiveness of	4	as-needed basis?
5	prior enforcement actions in Kakaako?	5	A. Yes.
6	A. Yes.	6	Q. So, let me ask you, now that you're at that stage
7	Q. What were those issues?	7	when you've had a month of enforcement actions in
8	A. Mainly one of jurisdiction.	8	Kakaako, is there any way you think it could have been
9	Q. Can you elaborate on how that was an issue?	9	handled better?
10	A. Normally during an enforcement action, the City	10	A. I can't think of anything at this time.
11	has authority over the streets and sidewalks that we	11	Q. Okay. So, there's nothing that you would do
12	, maintain.	12	differently if you had to do it again?
13	In the Kakaako area the Hawaii Community	13	A. At this moment, there's nothing that I can think
14	Development Authority has overall jurisdictional	14	of.
15	authority for the region. Not all streets in Kakaako	15	Q. Were there any materials that were collected
16	are owned by the City. And because there are other	16	during the enforcement action in the Kakaako in the last
17	state agencies that border or abut the streets in	17	two months that were separated for recycling?
18	Kakaako, the jurisdictional authority that the City has	18	A. Yes.
19	is limited.	19	Q. And what is the volume of those materials? How
20	Q. Now that or at this point it's almost	20	much of that was separated?
21	4:00 o'clock in the afternoon on the 14th. Is the	21	A. For all of the enforcements in Kakaako?
22	has the enforcement action been concluded in Kakaako?	22	Q. Yeah, in the last two months.
23	A. Which enforcement action are you speaking of?	23	A. My recollection is as of October 9th, there were
24	Q. The ones that began in September and were to run	24	104 cubic yards of metals for recycling.
25	until the encampments were cleared.	25	Q. And where does that go? Is there one recycling
	Page 179		Page 181
1	A. The enforcement action for stored property and	1	facility where that is all taken to or is it does it
2	sidewalk nuisance ordinance will continue.	2	go to different places?
3	Q. And how long will it continue?	3	A. I'm not sure.
4	A. As long as there are impediments to access and	4	Q. And which are the streets in Kakaako that don't
5	safe travel through the area.	5	belong to the City?
6	Q. What are DFM's plans regarding enforcement	6	A. I am not sure right now.
7	actions for the rest of the week?	7	Q. How about is Ohe one of them?
8	A. To continue to do enforcement on an as-needed	8	A. Ohe is one of them.
9	basis based on issues that are observed, noted or we	9	Q. How about Ilalo?
10	receive complaints on.	10	A. I'm not sure.
11	Q. Okay. So, what I'm trying to get at is: The	11	Q. Olomehani, is that one of them?
12	enforcement actions that were going on through	12	A. I'm not sure.
13	September from September, are those over now and from	13	Q. And the items that were taken for recycling, why
14	now on it's going to be complaint driven and you'll go	14	is it that those items the 104 cubic yards, why
1		15	weren't those items stored?
15	back or is there still more to clean up from the actions	10	therein e those items stored.
15 16	back or is there still more to clean up from the actions that have been going on in the last month?	16	
			A. Primarily because of the nature of the items,
16	that have been going on in the last month?	16	
16 17	that have been going on in the last month? Does that make sense does that make better	16 17	A. Primarily because of the nature of the items, propane tanks, butane cylinders, bicycle frames, and bicycle parts.
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16 17 18 19 20 21 22	<ul><li>that have been going on in the last month? Does that make sense does that make better</li><li>sense?</li><li>A. I am not sure about the answer to that because I don't know whether all of the work has been completed or not.</li><li>Q. So, as of this morning they were still cleaning</li></ul>	16 17 18 19 20 21 22 23	<ul> <li>A. Primarily because of the nature of the items, propane tanks, butane cylinders, bicycle frames, and bicycle parts.</li> <li>Q. Okay. Why are bicycle frames and bicycle parts things that aren't worthy of storage?</li> <li>A. Those items have to undergo review by the Honolulu Police Department to determine whether or not</li> </ul>

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	Page 182		Page 184
1	parts that are collected?	1	carry away the propane tank, there would be no way that
2	A. I'm not sure.	2	that tank would be stored because it would be present
3	Q. Who would know the answer to that?	3	hazards?
4	A. Somebody at the Honolulu Police Department.	4	A. Yes.
5	Q. Well, if the DFM collects the items, presumably	5	MR. KACPROWSKI: What are we at, 19?
6	the DFM would know where they are when they go out of	6	THE COURT REPORTER: Yes.
7	the DFM's possession. So, who at the DFM would be able	7	Q. So, I'm going to mark this Exhibit 19.
8	to answer the question whether the Honolulu Police	8	(Sasamura Exhibit No. 19 marked.)
9	Department reviews them at any point when they're within	9	Q. (BY MR. KACPROWSKI) And do you recognize this
10	the DFM's possession?	10	document, Exhibit 19?
11	A. You could check with Mr. Shimizu on that.	11	A. Yes.
12	Q. Would would bicycles be something that are	12	
		1	Q. And is that your signature on Page 8 of
13	stored as opposed to just bicycle parts? If it was an	13	Exhibit 19?
14	intact bicycle, would that be stored?	14	A. Yes. That appears to be.
15	A. They may be; but, again, bicycles come within the	15	Q. And you recall signing this declaration, correct?
16	jurisdiction of the Honolulu Police Department.	16	A. Yes.
17	Q. When would they be stored? Is there what's	17	Q. So, let's go to paragraph 4 first. Paragraph 4
18	the criteria? Do the police check every bicycle before	18	states that "To the extent homeless encampments are
19	storage or what happens before they're stored?	19	involved in SNO enforcement, DFM (as it does SPO
20	A. They would have to be checked to determine	20	enforcement) works closely with the City and County of
21	whether they're licensed or whether they're stolen or if	21	Honolulu's Office of Housing which in turn works closely
22	there's any other issues relating to that specific	22	with social service providers to assist individuals who
23	bicycle.	23	may be impacted by SNO enforcement."
24	Q. And propane tanks, is there does the DFM check	24	That's in your declaration, correct?
25	to determine whether propane tanks are empty or not	25	A. Yes.
		ł	
	Page 183		Page 185
1	Page 183 before they send them for recycling?	1	Page 185 Q. And what did you mean by by assistance to
1 2		1 2	
	before they send them for recycling? A. There are some safety protocols that have to be		Q. And what did you mean by by assistance to what assistance are you talking about in paragraph 4?
2	before they send them for recycling?	2	Q. And what did you mean by by assistance to
2 3	before they send them for recycling? A. There are some safety protocols that have to be followed. I'm not sure exactly what process or procedure our crew uses.	2 3	Q. And what did you mean by by assistance to what assistance are you talking about in paragraph 4? A. Where it says service "social service
2 3 4	before they send them for recycling? A. There are some safety protocols that have to be followed. I'm not sure exactly what process or procedure our crew uses. Q. Why can't, for example, empty propane tanks be	2 3 4	<ul> <li>Q. And what did you mean by by assistance to what assistance are you talking about in paragraph 4?</li> <li>A. Where it says service "social service providers to assist individuals."</li> <li>Q. Uh-huh.</li> </ul>
2 3 4 5	<ul> <li>before they send them for recycling?</li> <li>A. There are some safety protocols that have to be followed. I'm not sure exactly what process or procedure our crew uses.</li> <li>Q. Why can't, for example, empty propane tanks be stored?</li> </ul>	2 3 4 5	<ul> <li>Q. And what did you mean by by assistance to what assistance are you talking about in paragraph 4?</li> <li>A. Where it says service "social service providers to assist individuals."</li> <li>Q. Uh-huh.</li> <li>A. Outreach, placement in shelters, placement in</li> </ul>
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Appendix D1

	Page 198		Page 200
1	Q. And it was signed under penalty of perjury,	1	I, ROSS SUMIO SASAMURA, hereby certify that I have
2	right?	2	read the foregoing typewritten pages 1 through 199,
3	A. Right.	3	inclusive, and corrections, if any, were noted by me, and the same is now a true and correct transcript of my
4	Q. And are you aware that the court allowed the	5	testimony.
5	enforcement actions to continue in the manner that they	6	DATED: Honolulu, Hawaii,
6	continued after September 22nd based in part on this	7	, ,
7	signed declaration?	8	
8	MR. AOKI: Objection. You're asking him for	9	
9	a legal conclusion.	10	ROSS SUMIO SASAMURA
10	Q. (BY MR. KACPROWSKI) You can answer that.	10	
11	A. I'm not aware of that.	12	Signed before me this
12	Q. Okay. Have you read the court's order on the	13	day of , 20 .
13	temporary restraining order motion that the plaintiffs	14	,
14	filed in this case?	15	
15	A. Yes.	16	
16	Q. And did you note that the court cited to your	17	
17	declaration many times? A. Yes.	18 19	
18		20	
19	Q. And did you even after reading that, did you	21	
20	have any inclination to amend or correct any statements in your declaration?	22	
21 22	A. No.	23	
22	MR. KACPROWSKI: Let's take a quick break.		Case: Martin, et al. vs. City and County of Honolulu
23 24	I'm close to being finished, but I probably have a	24	Civil No.: CV 15-00363 HG-KSC
25	little bit more. So, why don't we take ten?	25	Deposition Dated: October 14, 2015 Taken By: Sharon Ross
2.0			
	Page 199		Page 201
1	(Recess from 4:20 p.m. to 4:30 p.m.)	1	CERTIFICATE
2	(Recess from 4:20 p.m. to 4:30 p.m.) MR. KACPROWSKI: Back on the record.	2	CERTIFICATE STATE OF HAWAII )
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1	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII	-
2		
3	TABATHA MARTIN; TRACY)Civil No. CV15-00363MARTIN; T.M., a minor, by)HG-KSC	
4	her parents and next ) friends TABATHA MARTIN and ) TRACY MARTIN; KIONINA )	
5	KENESO; K.H., a minor, by ) her next friend KIONINA )	
6	KENESO; TANAKO YUG; GABRIEL ) YUG; DIANA CHONIONG; JON )	
7	JOSEPHSON; NORMA MANUEL; ) MENSI RIKAT; ARI RODEN; )	
8	RIMUO RUNTE; and SNOPIA ) WEINEI, individually and on )	
9	behalf of the class of ) homeless or formerly )	
10	homeless individuals whose ) property was seized and )	
11	destroyed by City and ) County of Honolulu )	
12	officials,	
13	Plaintiffs,	
14	V. )	
15	CITY AND COUNTY OF ) HONOLULU, a municipal )	
16	corporation, and DOE ) EMPLOYEES OF CITY AND )	
17	COUNTY OF HONOLULU 1-100,	
18	Defendants.	
19		
20	DEPOSITION OF KENNETH SHIMIZU	
21	Taken on behalf of the Plaintiffs at the offices of Alston Hunt Floyd & Ing, 1001 Bishop Street, 18th	
22	Floor, Honolulu, Hawaii, commencing at 8:05 a.m. on Friday, October 16, 2015, pursuant to Notice.	
23		
24	BEFORE: JESSICA R. PERRY, CSR NO. 404 Certified Shorthand Reporter	
25		

<b></b>				
		Page 2		Page 4
1	APPEARANCES	5 –	1	MR. KACPROWSKI: Can we have on the
2	For the Plaintiffs:		2	record who's in the room.
3	NICKOLAS A. KACPROWSKI, ESQ. Alston Hunt Floyd & Ing		3	MR. NOMURA: Good morning, Nick. Curtis
4	1001 Bishop Street, 18th Floor			
1	Honolulu, Hawaii 96813		4	Nomura, Deputy Corporation Counsel on behalf of the
5			5	City. Mr. Shimizu is present, the deponent, as well
	and		6	as Director Ross Sasamura, as representative of the
6	DANIEL L. GLUCK, ESQ.		7	City. Deputy Corporation Counsel David Day is also
7	KATIE MULLINS, ESQ.		8	present.
	ACLU of Hawaii Foundation		9	MR. KACPROWSKI: And Mr. Sasamura is here
8	P.O. Box 3410			
	Honolulu, Hawaii 96813		10	as the City representative?
9 10			11	MR. NOMURA: Correct.
	For the Defendants:		12	MR. KACPROWSKI: And then I'm Nick
11			13	Kacprowski, and with me is Daniel Gluck of the ACLU
112	ERNEST H. NOMURA, ESQ.		14	and Katie Mullins, who has not appeared in this case,
12	DAVID DAY, ESQ. Department of the Corporation Counsel		15	but is here with the ACLU.
13	530 South King Street, Room 110		16	
	Honolulu, Hawaii 96813			
14	Aleo Duogontu		17	KENNETH SHIMIZU,
15 16	Also Present: Ross Sasamura		18	the witness hereinbefore named, being first duly
17	R055 Sasamura		19	cautioned and sworn to testify the truth, the whole
18			20	truth, and nothing but the truth, testified under oath
19			21	as follows:
20 21			22	EXAMINATION
22			23	BY MR. KACPROWSKI:
23			24	Q. Mr. Shimizu, good morning.
24			1	A. Good morning.
25			25	A. Good morning.
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		1	
	Page 66		Page 68
1	Q. And then the tent that was stored	1	hazardous items, items that may be contaminated with
2	MR. NOMURA: Just for the record, Mr	2	urine or feces. We don't store any liquids. We don't
3	I didn't hear Mr. Shimizu make a response. He was	3	store items that may contaminate other items that is
4	nodding his head.	4	being stored. That's all I can think of right now.
5	MR. KACPROWSKI: Thank you for catching	5	It's hard.
6	that.	6	Q. Okay. Let's take tents, for example. Is
7	BY MR. KACPROWSKI:	7	it do you always store tents, unless someone tells
8	Q. My question was the owner specifically said,	8	you specifically you can throw it away the tent?
9	"throw it away," and it looked like you were nodding	9	A. That's correct.
10	your head yes. So was your answer yes?	10	Q. So you've never thrown a tent away where the
11	A. Right, yes.	11	person is where the person is just not strike
12	Q. And when you talked to the owner about the	12	that question, sorry. I was asking a bad question.
13	- ,	13	Let me rephrase it.
	tent, did you did you tell him that if it was	1	-
14	stored, did you discuss anything about the process	14	So in other words, every tent that you've
15	where he could get it back if it was stored?	15	thrown away, it's only been where the owner has told
16	A. I can't remember.	16	you that you can throw the tent away?
17	Q. The tent that you stored I'm sorry, were	17	A. No.
18	you was there more that you were saying? I didn't		Q. Okay. When else would you throw tents away?
19	want to cut you off.	19	A. When it's contaminated.
20	A. No.	20	Q. What do you mean by contaminated?
21	Q. The tent that you did store, why did you store	21	A. If it's wet, infested with animal feces,
22	that one?	22	infested with human feces, urine, maybe animal, human,
23	A. Because we we store everything. It was on	23	if it's if it has flammable substances on it or if
24	the sidewalk. We stored it.	24	it's if in the process of storing it, the condition
25	Q. Was the owner there?	25	of the tent may contaminate other items in the bin.
	Page 67		Page 69
1	A. I don't remember if the owner was there.	1	Q. Anything else?
2	<ul><li>A. I don't remember if the owner was there.</li><li>Q. What did you do with the wheelchair?</li></ul>	2	Q. Anything else? A. Not that I can think of right now.
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		1	
	Page 74		Page 76
1	Q. I'm just trying to figure out how you make		something is dangerous or not, or is it just anything
2	that determination, what the guidelines are or the	2	in writing?
3	thought process for that.	3	MR. NOMURA: Objection. Vague and
4	A. Again	4	ambiguous. Compound.
5	Q. Is there a checklist of something that helps	5	THE WITNESS: Nothing in writing.
6	you to make that determination?	6	BY MR. KACPROWSKI:
7	A. Consent by owner.	7	Q. And when something is disposed of like this,
8	Q. What if the owner is not there? Because my	8	is this something that the crew members themselves
9	understanding is if the owner is not there, based on	9	have the discretion to make the decision, or do you or
10	what you've been telling me, it should be stored,	10	Mr. Sato have to decide before something goes into the
11	unless it's dangerous, right?	11	refuse truck?
12	A. Uh-huh.	12	A. Either I decide or Allan Sato decides.
13	Q. So if the owner is not there	13	Q. So before, for instance, a tent or a tarp is
14	MR. GLUCK: You need a verbal answer.	14	put in, you or Mr. Sato have to give your okay to it?
15	BY MR. KACPROWSKI:	15	A. Correct.
16	Q. I think you said uh-huh. Is that a yes to my	16	Q. And how do you make that determination?
17	last question?	17	A. Based on our observations, our findings.
18	A. Which one?	18	Q. So is it all based on what you see and can see
19	Q. The question if the owner was not there, you	19	at the time, or is there anything that you use to
20	would only dispose of something that was dangerous?	20	guide you? And by guide you I mean, you know, a
21	MR. NOMURA: Well, objection. Misstates	21	written policy or something like that?
22	prior testimony. Vague and ambiguous.	22	A. Nothing written, but the smell.
23	BY MR. KACPROWSKI:	23	Q. Okay. So it's basically what I'm trying to
24	Q. Let's make sure we're clear, then. If the	24	get at is, is it a judgment call that you make at the
25	owner is not there, the tent would be disposed of only	25	time?
	Dage 75		Dage 77
	if there's something dangerous about it, it's	1	Page 77 A. I don't understand the word judgment. It's
1	if there's something dangerous about it, it's	1	A. I don't understand the word judgment. It's
2	if there's something dangerous about it, it's hazardous or there's contaminants?	2	A. I don't understand the word judgment. It's it's fact.
2 3	if there's something dangerous about it, it's hazardous or there's contaminants? A. Correct.	2 3	<ul> <li>A. I don't understand the word judgment. It's</li> <li>it's fact.</li> <li>Q. I'm sorry?</li> </ul>
2 3 4	if there's something dangerous about it, it's hazardous or there's contaminants? A. Correct. Q. And then the question I was trying to ask is	2 3 4	<ul> <li>A. I don't understand the word judgment. It's</li> <li>it's fact.</li> <li>Q. I'm sorry?</li> <li>A. It's fact.</li> </ul>
2 3 4 5	<ul> <li>if there's something dangerous about it, it's</li> <li>hazardous or there's contaminants?</li> <li>A. Correct.</li> <li>Q. And then the question I was trying to ask is</li> <li>how do you determine whether something is hazardous or</li> </ul>	2 3 4 5	<ul> <li>A. I don't understand the word judgment. It's</li> <li>it's fact.</li> <li>Q. I'm sorry?</li> <li>A. It's fact.</li> <li>Q. Fact?</li> </ul>
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,	Page 78	1	Page 80 at least you can see clearly one member of the
1 2	ambiguous. Compound. THE WITNESS: No.	2	enforcement team, correct?
3	BY MR. KACPROWSKI:	3	A. Correct.
4	Q. So then when would you dispose of a piece of	4	Q. And what's his name again, what's his first
5	furniture?	5	name?
6	MR. NOMURA: Same objection.	6	A. This is Cory.
7	THE WITNESS: When we have nails sticking	7	Q. And then Cory is also in Exhibit 24, correct?
	out of it, we have something that could injure anybody	8	A. Yes.
8	walking on the sidewalks.	9	
9	BY MR. KACPROWSKI:	10	Q. And in Exhibit 25 it looks like Cory is standing next to a refuse truck where what looks to be
		10	the same chair as in Exhibit 24 is now in the refuse
11	Q. Okay. So basically any time it would cause	12	truck. Do you see that?
12 13	some sort of a threat to danger is when you might	12	A. I see Cory.
13	dispose of it? A. That's correct.	13	
		15	Q. Well, how about this, I'll represent to you that this is the same chair in Exhibit 25 as we saw in
15	Q. Any other circumstances for furniture?	15	
16	A. Unless instructed by the owner.		Exhibit 24 and 23. So let me ask you, do you have any
17	Q. I'm going to show you when we're marking as Exhibit 23.	17 18	recollection of whether you gave the consent for the chair to be disposed of or whether Mr. Sato gave the
10		10	consent for the chair to be disposed of?
20	(Exhibit No. 23 marked.)	20	A. I don't understand the question.
20	Q. I'll represent to you that this was a photo taken on October 8th of this year in Kakaako, and	20	Q. Do you remember being the person that signed
21		21	off on letting this chair go in the refuse truck?
22	would you agree that this looks to be a chair?	22	MR. NOMURA: Objection. Vague and
23	MR. NOMURA: Objection. The document	23	ambiguous.
24	speaks for itself. THE WITNESS: Yes.	24	THE WITNESS: I don't understand the
25	THE WITNESS. TES.	25	The WITNESS. I don't understand the
	Page 79		Page 81
1	Page 79 BY MR, KACPROWSKI:	1	Page 81 guestion, because I don't know if that's a chair or
1 2	BY MR. KACPROWSKI:	1	Page 81 question, because I don't know if that's a chair or not.
1 2 3			question, because I don't know if that's a chair or
2	BY MR. KACPROWSKI: Q. And do you recall this chair in any way? A. No.	2	question, because I don't know if that's a chair or not.
2 3	BY MR. KACPROWSKI: Q. And do you recall this chair in any way?	2 3	question, because I don't know if that's a chair or not. BY MR. KACPROWSKI:
2 3 4	<ul><li>BY MR. KACPROWSKI:</li><li>Q. And do you recall this chair in any way?</li><li>A. No.</li><li>Q. Okay. And so you don't know what happened to</li></ul>	2 3 4	<ul><li>question, because I don't know if that's a chair or not.</li><li>BY MR. KACPROWSKI:</li><li>Q. Well, how about, whatever that item is in the</li></ul>
2 3 4 5	BY MR. KACPROWSKI: Q. And do you recall this chair in any way? A. No. Q. Okay. And so you don't know what happened to this chair; is that right?	2 3 4 5	<ul><li>question, because I don't know if that's a chair or not.</li><li>BY MR. KACPROWSKI:</li><li>Q. Well, how about, whatever that item is in the refuse truck, did you give your okay for it to go in</li></ul>
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Page 94         Page 94           Q. What does it depend on?         Exhibit 30, 1 think you - I think 1 already asked           Depends on if noting is coacked, soliniering, the process of it?         Exhibit 30, 1 think you - I think 1 already asked           Corness         A. Depends on if noting is coacked, soliniering, the process of it?         The solution of the process of it?           Solution of the your cell storing         Solution of the your cell storing         Solution of the your cell storing           G. So how many times do you recall storing         Solution of the your cell storing         Solution of the your cell storing           G. None, Let's do Exhibit 29.         I. Can't understand the question, you mean a structure?         A. I can't say. I clon't know. I don't remember the the solition of the your testmony is that it must have been of the your testmony is that it must have been of contaminated?           I. Q. None, Let's do Exhibit 29.         I. KacPROWSKI: Why don't we take a the beal.           I. Gonesse         I. Can't say. I clon't know. You can say sol.           I. THE WITNESS: I don't know. You can say sol.         I. BW RK.KACPROWSKI:           I. W. NONURA: Objection. Document speaks         I. A. No.           I. A. No.         Q. What does it look like to you?         I. A. That's correct.           Q. Wat does it look like to you?         I. The WITNESS: I don't know.         You can still answer my questores fuly and completer watere any thim's moming. <th></th> <th></th> <th>T</th> <th></th>			T	
2       A. Depends on If nothing is cracked, polintering, and northing, sharp parts of it, objects, sharp of corners.       2       1115, but do you remember getting consent from anyone is to dispose of it?         3       nal northung, sharp parts of it, objects, sharp of corners.       4       A. I don't know.       5         5       Q. So how many times do you recall storing of something is cracked, polintering.       5       4       A. I don't know.       1         5       Q. Noa, Lets do Exhibit 29.       Carnets as. I don't know.       1       A. I can't say. I don't know.       I don't know.         10       A. On my experience, my enforcements, none.       10       A. I can't say. I don't know.       I don't know.         11       Q. Now, Exhibit 29. I' represent was taken in it kakaako on October 1st of this year. And this looks like a basketball. What do       1       MR. KACPROWSKI:         12       (Exhibit X0. 29 marked.)       10       D W. R. KACPROWSKI:       10       1       N. RACPROWSKI:         11       Q. Now, Exhibit 29. I' represent was taken in its kakaako on October 1st of this year. And this looks       14       (Recess taken from 11:07 to 11:30 a.m.)       15       B W. R. KACPROWSKI:         12       Q. Wake up time for me is 12:30.       2       A. Xeacy up time for me is 12:30.       2       A. Xeacy up time for me is 12:30.       2       A. Wake up time for me is 12:30.			1 .	
3         aii protruding, sharp parts of It, objects, sharp         3         to dispose of it?           4         comments         3         to dispose of it?           4         comments         3         to dispose of it?           5         So how many times do you recall storing         5         Ch I don't knows.				
4       A. I don't know.         5       Q. So how many times do you recall storing       5         6       Q. So how many times do you recall storing       5         7       A. I don't understand the question, you mean a structure?       7         8       structure?       A. I don't numeration the question, you mean a structure?       7         9       Q. Yeah, the illegal structures.       9       Q. But your testimony is that it must have been         10       Nome, Let's do Exhibit 29.       10       Contaminated or dangerous if it was disposed of, yes?         12       Q. Now, Exhibit 29 II' represent was taken in       14       Kabeako on October 1st of this year. And this looks         16       MR. NOMURA: Objection. Document speaks       15       15       14       KACPROWSKI:         17       for itself.       Q. What does it look like to you? I don't know       10       ask you some questions on the record that you've test was asying?         21       Q. What does it look like to you? I don't know       20       A. That's correct.         21       Q. Ware you working this morning?       25       A. 200 this morning?         23       A. Abail.       24       Q. Were you working this morning?         24       A. Abail.       25       A. Od do you fink that's been the case				
9       Q. So how many times do you recall storing       5       Q. Is there anything that you'de disassembled like that?         7       A. I don't understand the question, you mean a       5       believe that that would be contaminated?         7       A. I don't understand the question, you mean a       5       believe that that would be contaminated?         7       A. I can't say. I clon't know. I don't remember       8       the ball.         9       Q. Yeah, the illegal structures.       9       Q. Way. Exhibit 29.       10         11       Q. Now, Exhibit 29.       11       A. T can't say. I clon't know. I don't we take a         13       Q. Now, Exhibit 29.       11       A. Sasketbal, right?       MR. KACPROWSKI:         16       MR. NOMURA: Objection. Document speaks       14       (Recess taken from 11:07 to 11:30 a.m.)         15       like a basketbal.       What does it look like to you?       16       Q. So, Mr. Shimizu, during the break – I wanted         16       O. What does it look like to you?       16       N. KACPROWSKI:       10       17       ta sk you some questions on the record that you're         17       A. No.       20       Dkay. Lacerstake       110       the speak or in si 12:30.         29       Q. Urin we saying that - it's not a memory tasti.       20       So I wanted to as		nail protruding, sharp parts of it, objects, sharp	1	•
6       something that you've disassembled like that?       A. I don't understand the question, you mean a structure?       A. I don't understand the question, you mean a structure?       A. I don't understand the question, you mean a structure?       A. I don't know. I don't remember         9       Q. Yeah, the illegal structures.       9       Q. But your testimony is that it must have been         10       Q. None. Let's do Exhibit 29.       10       Chibit No. 29 marked.)         11       Q. None, Edt's do Exhibit 29.       11       A. Yes.         12       (Exhibit No. 29 marked.)       13       break.         13       Veak, w., Exhibt 29. 111 represent was taken in       14       Kacalko on October 1st of this year. And this looks         14       Kakaako on October 1st of this year. And this looks       16       Q. So, Mr. Shimizu, during the break – I wanted         15       If the WITNESS: I don't know. You can say       16       Q. What does it look like to you?       20         19       you think - what does it look like to you?       20       A. That's correct.       21         20       Wake up time for me is 12:30.       24       A. A ball.       25         20       O you orremember that its hard to a       20       So I wanted to ask you, do you feel like you?         21       Q. Nord you don't memember, I'm guessing, because				
7       A. I Can't say. I don't know. I don't remember         8       structure?         9       Q. Yeah, the illegal structures.         10       A. On my experience, my enforcements, none.         11       Q. None. Let's do Exhibit 29.         12       (Exhibit No. 29 marked.)         13       Q. Now, Exhibit 29. Till represent was taken in         14       Kakaako on October 1st of this year. And this looks         15       like a basketball, right?         16       MR. NOMURA: Objection. Document speaks         17       Fritself.         18       mt does it look like to you? I don't know.         20       Wark does it look like to you? I don't know.         21       Q. Nat does it look like to you? I don't know.         22       Yere you working this morning?         23       you think - what does it look like to you?         24       A. A ball.         25       Q. Okay. Do you remember talking to the owner of that         3       ittm?         4       A. I don't remember, I'm guessing, because         7       A. I don't remember, I'm guessing, because         7       A. Yes.         9       Q. So that's the same ball, Til represent to         9       A. Yes.			5	
8       structure?       9       Q. Yeah, the illegal structures.       9       Q. But your testimony is that it must have been         9       Q. Yeah, the illegal structures.       9       Q. But your testimony is that it must have been         11       Q. None. Let's do Exhibit 29.       It was disposed of, yes?         12       (Exhibit No. 29 marked.)       12         13       Q. Now, Exhibit 29 I'Il represent was taken in       14         14       Kakaako on October 1st of this year. And this looks       14         15       BY MR. KACPROWSKI:       15         16       MR. NOMURA: Objection. Document speaks       16         17       for itself.       15       BY MR. KACPROWSKI:         21       Q. What does it look like to you? I don't know.       16       Q. Nak we up time for me is 12:30.         24       A. Nal.       20       A. That's correct.       20         25       Q. Okay. Do you remember that item?       22       A. Wake up time for me is 12:30.         24       A. No.       Q. So I wanted to ask you, do you feel like you         25       Q. Oa you cremember this ball sitting in the       5       Q. Mod you don't remember, Tm guessing, because         3       remember one thing In particular?       2       A. Stain glunch, awaiting food.	6		-	
9       Q. Yeah, the illegal structures.       9       Q. But your testimony is that it must have been         10       A. On my experience, my enforcements, none.       10       contaminated or dangerous if it was disposed of, yes?         11       A. On my experience, my enforcements, none.       11       A. Yes.         12       (Exhibit Xo. 29 marked.)       11       A. Yes.         13       Q. Now, Exhibit 29 III represent was taken in       13       break.         14       Kakadko on October 1st of this year. And this looks       iff       (Recess taken from 11:07 to 11:30 a.m.)         15       like a basketball, right?       50.       So.		A. I don't understand the question, you mean a	7	-
10       Å. On my experience, my enforcements, none.       11       Q. None. Let's do Exhibit 29.         11       Q. Now, Exhibit 29.       11       A. Yes.         13       Q. Now, Exhibit 29.       11       A. Yes.         14       Kakadow on October 1st of this year. And this looks       13       break.         15       like a basketball, right?       14       (Recess taken from 11:07 to 11:30 a.m.)         16       MR. NOMURA: Objection. Document speak       15       BY MR. KACPROWSKI:         17       for tiself.       17       to asky ou some questions on the record that you've         18       THE WITNESS: I don't know.       10       A. That's correct.         19       so.       20       Nr. Shimizu, during the break I wanted         17       ot saky ou some questions on the record that you've       been up for quite a while already today; is that         19       so.       20       A. That's correct.       21         21       Q. What does it look like to you?       24       A. Dall.       24         22       Q. Do you remember that item?       25       A. 200 this morning?         23       A. No.       2       Q. So I wanted to ask you, do you feel like you         24       Q. Do you remember that item?       2 <td>8</td> <td></td> <td>8</td> <td></td>	8		8	
11       Q. None. Let's do Exhibit 29. (Exhibit No. 29 marked.)       11       A. Yes.         12       (Exhibit No. 29 marked.)       12       MR. KACPROWSKI: Why don't we take a         14       Kakaako on October 1st of this year. And this looks       14       (Recess taken from 11:07 to 11:30 a.m.)         15       like a basketball, right?       15       BY MR. KACPROWSKI:       16       Q. So, Mr. Shimizu, during the break I wanted         17       for itself.       Q. So, Mr. Shimizu, during the break I wanted       17       to ask you some questions on the record that you'e         19       so.       Q. What does it look like to you? I don't know       Yeither, but to me it looks like a basketball. What doe         20       PM R. KACPROWSKI:       20       A. A ball.       21       Q. It's been since 1:00 or 2:00 a.m., Mr. Nomura         23       you think - what does it look like to you?       23       A. Wake up time for me is 12:30.       24         4       A. I don't even remember that item?       25       A. 2:00 this morning.       23         24       A. No.       25       J. I don't even remember this ball sitting in the midle of the road. I don't know.       25       A. 2:00 this morning.         3       remember one thing in particular?       5       Q. And you don't remember, I'm guessing, because       7 <t< td=""><td>9</td><td>Q. Yeah, the illegal structures.</td><td>9</td><td></td></t<>	9	Q. Yeah, the illegal structures.	9	
12       (Exhibit No. 29 marked.)       12       MR. KACPROWSKI: Why don't we take a         13       Q. Now, Exhibit 29 I'll represent was taken in       13       break.         15       like a basketball, right?       13       break.       (Recess taken from 11:07 to 11:30 a.m.)         15       like a basketball, right?       16       Q. Now, Exhibit No. 29 marked.)       17         16       MR. NOMURA: Objection. Document speaks       16       Q. So, Mr. Shimizu, during the break I wanted         17       for riself.       17       to ask you some questions on the record that you've         18       been up for quite a while already today; is that       19       right?         20       BY MR. KACPROWSKI:       20       A. That's correct.       21       Q. It's been since 1:00 or 2:00 a.m., Mr. Nomura         22       Q. What does it look like to you?       20       A. That's correct.       22       was saying?         24       A. A ball.       21       Q. So I wanted to ask you, do you completely and       23       A. Wake up time for me is 12:30.         25       Q. Oxay. Do you remember that item?       25       A. 200 this morning.       24         3       Lom't even remember that item?       25       A. Solt wanted to ask you, do you feell like you         3	10	A. On my experience, my enforcements, none.	10	contaminated or dangerous if it was disposed of, yes?
13       Q. Now, Exhibit 29 TII represent was taken in       13       break.         14       Kakaako on October 1st of this year. And this looks       14       Recess taken from 11:07 to 11:30 a.m.)         15       like a basketball, right?       15       BY MR. KACPROWSKI:       16       Q. So, Mr. Shimziu, during the break I wanted         16       MR. NOMURA: Objection. Document speaks       16       Q. So, Mr. Shimziu, during the break I wanted         17       for itself.       MR. KACPROWSKI:       16       Q. So, Mr. Shimziu, during the break I wanted         20       BY MR. KACPROWSKI:       20       A. That's correct.       21         21       Q. What does it look like to you?       20       A. That's correct.       21         23       you think what does it look like to you?       20       A. That's correct.       21         23       Q. Okay. Do you remember that item?       25       A. 2:00 this morning.       22         24       A. No.       25       A. I don't even remember this ball sitting in the middle of the road. I don't know.       25       A. Sight now, yeah.       5       Q. And you don't remember, I'm guessing, because remember one thing in particular?       4       A. Right now, yeah.       5       Q. And there's nothing else, other than being a 9       9       11       That's for you guys,	11	Q. None. Let's do Exhibit 29.		
14       Kakaako on October 1st of this year. And this looks       14       (Recess taken from 11:07 to 11:30 a.m.)         15       like a basketball, right?       15       BY MR. KACPROWSKI:       Q. So, r. Shimizu, during the break I wanted         16       MR. NOMURA: Objection. Document speaks       16       Q. So, r. Shimizu, during the break I wanted         17       for itself.       Q. So I wanted to ask you some questions on the record that you've       18         18       THE WITNESS: I don't know. You can say       in gint?       20         20       BY MR. KACPROWSKI:       20       A. That's correct.         21       Q. What does it look like to you?       1 don't know       20         23       A. A ball.       21       Q. Were you working this morning?         24       A. A ball.       22       A. Wake up time for me is 12:30.         25       Q. Okay. Do you remember that item?       25       A. Wake up time forme is 12:30.         24       A. I don't even remember this ball sitting in the       ittem?       4       A. Sight now, yeah.         5       M. Adoy ou don't remember, Tm guessing, because       7       Q. And doy ou think that's been the case       6         6       Q. And you don't remember, Tm guessing, because       9       Q. Fif ig ges to the point of being hungry, let	12	(Exhibit No. 29 marked.)	1	MR. KACPROWSKI: Why don't we take a
15       like a basketball, right?       15       BY MR. KACPROWSKI:         16       MR. NOMURA: Objection. Document speaks       16       G. So, Mr. Shinizu, during the break I wanted         17       for itself.       16       G. So, Mr. Shinizu, during the break I wanted         18       THE WITNESS: I don't know. You can say       19       is asy ou some questions on the record that you're         18       THE WITNESS: I don't know. You can say       19       right?         20       BY MR. KACPROWSKI:       20       A. That's correct.         21       Q. What does it look like to you?       20       A. A ball.         22       ether, but to me it looks like to you?       23       A. Wake up time for me is 12:30.         24       A. A ball.       24       Q. Were you working this morning?         25       Q. Okay. Do you remember that item?       25       A. 2:00 this morning.         7       A. No.       Q. So I wanted to ask you, do you feel like you       can still answer my questions fully and completely and         3       item?       Q. And you don't remember, I'm guessing, because       Q. And there's nothing else, other than being a         9       A. Yes.       Q. Im tot saying wery wing you see you should remember.       A. Kes.         10       Q. Tm not saying that it's n	13	Q. Now, Exhibit 29 I'll represent was taken in	13	break.
16       MR. NOMURA: Objection. Document speaks       16       Q. So, Mr. Shimizu, during the break I wanted         17       for itself.       17       to ask you some questions on the record that you've         18       THE WITNESS: I don't know. You can say       18       to ask you some questions on the record that you've         19       so.       19       to ask you some questions on the record that you've         20       BY MR. KACPROWSKI:       10       to ask you some questions on the record that you've         20       BY MR. KACPROWSKI:       20       A. That's correct.         21       Q. What does it look like to you? I don't know       21       A. That's correct.         22       Q. Okay. Do you remember that item?       23       A. Wake up time for me is 12:30.         24       A. A ball.       24       Q. Were you working this morning?         25       Q. Okay. Do you remember taking to the owner of that       24       A. I don't even remember, I'm guessing, because         3       item?       3       A. Right now, yeah.       5       Q. And there's nothing else, other than being a         4       A. I don't even remember, I'm guessing, because       9       Itte tired, that might prevent you or has prevented         5       Q. So that's the same ball, I'l' represent to       9       A. Hat's	14	Kakaako on October 1st of this year. And this looks	14	(Recess taken from 11:07 to 11:30 a.m.)
17for itself.17to ask you some questions on the record that you've18THE WITNESS: I don't know. You can say17to ask you some questions on the record that you've18Deen up for quite a while already today; is that1920BY MR. KACPROWSKI:20A. That's correct.21Q. What does it look like to you?20A. That's correct.22either, but to me it looks like a basketball. What do21Q. It's been since 1:00 or 2:00 a.m., Mr. Nomura23A. A ball.21Q. It's been since 1:00 or 2:00 a.m., Mr. Nomura24A. A ball.22A. Wake up time for me is 12:30.25Q. Okay. Do you remember that item?23A. Wake up time for me is 12:30.26Q. Nay. Do you remember that item?25A. 2:00 this morning?27A. No.Q. So I wanted to ask you, do you feel like you2Q. Do you remember this ball sitting in theitem?4A. I don't even remember, I'm guessing, because77you come across a lot of stuff and it's hard to88remember one thing in particular?89A. Yes.911Itm not saying everthing you see you should remember.12So I'm going to show you the next one, which is13Exhibit 30.14(Exhibit No. 30 marked.)15Q. So that's the same ball, I'll represent to16you, and I think that's you, but is that you standing17behind the truck?18A. Yeah, that'	15	like a basketball, right?	15	BY MR. KACPROWSKI:
18       THE WITNESS: I don't know. You can say       18       been up for quite a while already today; is that         19       so.       BY MR. KACPROWSKI:       20       A. At CPROWSKI:       20       A. That's correct.         20       g. What does it look like to you?       1       Q. It's been since 1:00 or 2:00 a.m., Mr. Nomura         22       either, but to me it looks like a basketball. What do       20       A. A ball.       21       Q. It's been since 1:00 or 2:00 a.m., Mr. Nomura         23       you think what does it look like to you?       23       A. Wake up time for me is 12:30.       24         24       A. A ball.       20       Were you working this morning?       25         25       Q. Okay. Do you remember that item?       25       A. 2:00 this moming.       Page 97         1       A. No.       1       Q. So I wanted to ask you, do you feel like you       2         2       Q. Do you remember this ball sitting in the       5       Q. And you don't remember, I'm guessing, because       6       throughout what I've been asking you already today?         3       A. Yes.       20       And do you think that's been the case       6         4       A. Bight now, yeah.       5       Q. And therey southink that's been the case       6         9       Iitte tired, that m	16	MR. NOMURA: Objection. Document speaks	16	
19       so.       19       right?         20       BY MR. KACPROWSKI:       20       A. That's correct.         20       Q. What does it look like to you? 1 don't know       20       It's been since 1:00 or 2:00 a.m., Mr. Nomura         21       Q. What does it look like to you?       A. A ball.       20       A. Wake up time for me is 12:30.         24       A. A ball.       22       A. Wake up time for me is 12:30.       24         24       A. No.       24       Q. Do you remember that item?       25         25       Q. Do you remember that item?       26       A. 2:00 this morning.         26       Q. Do you remember taiking to the owner of that item?       1       A. I don't even remember this ball sitting in the middle of the road. I don't know.       1       4       A. Right now, yeah.       5       Q. And doy ou think that's been the case       6       throughout what I've been asking you already today?       7       A. Yes.       8       Q. And doy ou think that's been the case       6       throughout what I've been asking you already today?       7       A. Yes.       8       Q. And doy ou think that's been the case       6       throughout what I've been asking you already today?       7       A. Yes.       8       Q. And doy ou think that's been the case       6       throughout what I've been asking you already today?	17	for itself.	17	
20       BY MR. KACPROWSKI:       20       A. That's correct.         21       Q. What does it look like to you? I don't know       21       Wate up time for me is 12:30.         22       Wate up time for me is 12:30.       24       A. A ball.         23       A. A ball.       24       A. A ball.       25         24       A. A ball.       26       A. No.       27         2       Q. Okay. Do you remember that item?       25       A. 2:00 this morning?         2       Q. Do you remember this ball sitting in the       3       1         3       midle of the road. I don't know.       2       C. And dou don't remember. I'm guessing, because         7       you come across a lot of stuff and it's hard to       7       A. Yes.         10       Q. Tm not saying that it's not a memory test.       1       4       A. Right now, yeah.         21       So Tim going os show you the next one, which is       5       20. And do you don't framewer.         12       So Tim saying tashow you the next one, which is       11       12       4       A. Eating lunch, awaiting food.         13       C. So that's the same ball, Til represent to       9       4       A. That's for you guys, not for me. I mean,         15       because if i eat, then I can't go on alrea	18	THE WITNESS: I don't know. You can say	18	been up for quite a while already today; is that
21Q. What does it look like to you? I don't know21Q. It's been since 1:00 or 2:00 a.m., Mr. Nomura22either, but to me it look like to you?23A. Sagying?23A. A ball.24Q. Were you working this morning?24A. A ball.24Q. Were you working this morning?25Q. Okay. Do you remember that item?25A. 2:00 this morning.26Page 95Page 971A. No.2Q. So I wanted to ask you, do you feel like you2Q. Do you remember taiking to the owner of that1Page 971A. No.2Q. So I wanted to ask you, do you feel like you2Q. Do you remember this ball sitting in the5Q. And you don't remember, I'm guessing, because4A. Yes.9A. Yes.7you come across a lot of stuff and it's hard to9A. Yes.9A. Yes.8Q. And there's nothing else, other than being a10Q. Tim not saying that it's not a memory test.10Q. Fin gets to the point of being hungry, let11Tim not saying everything you see you should remember.10A. Yeab, that's me.12Q. So that's the same ball, I'll represent to10Yein getting to the point of being hungry, let13Exhibit 30.14A. That's for you guys, not for me. I mean,14(Exhibit No. 30 marked.)1520 'li tig ets to the point where you15Q. So I'm trying to figure out why the ball was16Q. Well, if we're getting to the point where you </td <td>19</td> <td>SO.</td> <td>19</td> <td>right?</td>	19	SO.	19	right?
22either, but to me it looks like a basketball. What do22was saying?23you think what does it look like to you?24A. A ball.22A. Wake up time for me is 12:30.24A. A ball.Q. Were you working this morning?24Q. Were you working this morning?25Q. Okay. Do you remember that item?25A. 2:00 this morning.7Yeage 97A. No.1Q. So I wanted to ask you, do you feel like you2Q. Do you remember this ball sitting in the1Yeage 974A. I don't even remember this ball sitting in the1A. Right now, yeah.6Q. And you don't remember, I'm guessing, because2And do you think that's been the case7you come across a lot of stuff and it's hard to5Q. And do you think that's been the case8Q. I'm not saying that it's not a memory test.11The not saying everything you see you should remember.11Fm not saying everything you see you should remember.12Q. If it gets to the point of being hungry, let13Exhibit 30.14K. Exhibit No. 30 marked.)15Q. So I'm trying to figure out why the ball was14(Exhibit No. 30 marked.)15Desime there's opting to be point of being hungry, let15g. So Tim trying to figure out why the ball was16Q. Well, if we're getting to the point where you're16you, and I think that's you, but is that you standing19Q. So I'm trying to figure out why the ball was17behind the truck?18Yeah	20	BY MR. KACPROWSKI:	20	A. That's correct.
23       you think what does it look like to you?       23       A. Wake up time for me is 12:30.         24       A. A ball.       24       Q. Were you working this morning?         25       Q. Okay. Do you remember that item?       25       A. 2:00 this morning.         26       Q. Nay. Do you remember that item?       25       A. 2:00 this morning.         27       A. No.       20       Do you remember talking to the owner of that item?       25       A. 2:00 this morning.         28       Q. Day ou remember talking to the owner of that item?       1       Q. So I wanted to ask you, do you feel like you         29       A. I don't even remember this ball sitting in the middle of the road. I don't know.       9       1       A. Right now, yeah.         5       Q. And you don't remember, I'm guessing, because i'r mon tasying that it's not a memory test.       5       Q. And do you think that's been the case         10       Q. I'm not saying that it's not a memory test.       11       A. Eating lunch, awaiting food.         12       So I'm going to show you the next one, which is       12       Q. If it gets to the point of being hungry, let         13       Exhibit 30.       14       A. Eating lunch, awaiting food.       12         13       Exhibit No. 30 marked.)       15       beccause if I eat, then I can't go on already, yeah.	21	Q. What does it look like to you? I don't know	21	Q. It's been since 1:00 or 2:00 a.m., Mr. Nomura
24A. A ball.24Q. Were you working this morning?25Q. Okay. Do you remember that item?25A. 2:00 this morning.7A. No.Q. Do you remember talking to the owner of that1Q. So I wanted to ask you, do you feel like you2Q. Do you remember talking to the owner of that1Q. So I wanted to ask you, do you feel like you3A. I don't even remember this ball sitting in the1Q. So I wanted to ask you, do you feel like you4A. I don't even remember this ball sitting in the3trutthfully at this point?4A. I don't even remember, I'm guessing, because0Q. And do you think that's been the case6Q. And you don't remember, I'm guessing, because5Q. And do you think that's been the case7you come across a lot of stuff and it's hard to5Q. And drete's nothing else, other than being a9A. Yes.9I three's nothing else, other than being a10Q. I'm not saying everything you see you should remember.1111Tm not saying everything you see you should remember.1212So I'm going to show you the next one, which is1213Exhibit 30.1414(Exhibit No. 30 marked.)15Q. So that's the same ball, I'll represent to16you, and I think that's you, but is that you standing17behind the truck?18A. Yeah, that's me.19Q. So I'm trying to figure out why the ball was20disposed of, as opposed to being stored. Are to	22	either, but to me it looks like a basketball. What do	22	
25       Q. Okay. Do you remember that item?       25       A. 2:00 this morning.         Page 95       Page 97         1       A. No.       Q. Do you remember talking to the owner of that item?       Q. So I wanted to ask you, do you feel like you can still answer my questions fully and completely and truthfully at this point?         4       A. I don't even remember this ball sitting in the 5       M. I don't know.       4       A. I don't even remember, I'm guessing, because         7       you come across a lot of stuff and it's hard to 7       Q. And you don't remember, I'm guessing, because       5       Q. And do you think that's been the case         8       remember one thing in particular?       8       Q. And there's nothing else, other than being a 9         9       A. Yes.       9       Iittle tired, that might prevent you or has prevented 10 you from answering fully and truthfully?         11       Tm not saying that it's not a memory test.       10       You from answering fully and truthfully?         11       Tm not saying everything you see you should remember.       10       You from answering fully and truthfully?         11       Tm not saying that it's not a memory test.       10       You from answering fully and truthfully?         12       So Tm going to show you the next one, which is       12       Yee stored?       14       A. That's for you guys, not for me. I mean, 15 <td>23</td> <td>you think what does it look like to you?</td> <td>23</td> <td></td>	23	you think what does it look like to you?	23	
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25 Q. with respect to this particular ball in [25 A. It's based on the collective bargaining	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	<ul> <li>A. No.</li> <li>Q. Do you remember talking to the owner of that item?</li> <li>A. I don't even remember this ball sitting in the middle of the road. I don't know.</li> <li>Q. And you don't remember, I'm guessing, because you come across a lot of stuff and it's hard to remember one thing in particular?</li> <li>A. Yes.</li> <li>Q. I'm not saying that it's not a memory test.</li> <li>I'm not saying everything you see you should remember.</li> <li>So I'm going to show you the next one, which is Exhibit 30. <ul> <li>(Exhibit No. 30 marked.)</li> <li>Q. So that's the same ball, I'll represent to you, and I think that's you, but is that you standing behind the truck?</li> <li>A. Yeah, that's me.</li> <li>Q. So I'm trying to figure out why the ball was disposed of, as opposed to being stored. Are toys or balls something that are always disposed of or are they ever stored?</li> <li>A. Again, if I had consent from the owner or if</li> </ul> </li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	<ul> <li>Q. So I wanted to ask you, do you feel like you can still answer my questions fully and completely and truthfully at this point?</li> <li>A. Right now, yeah.</li> <li>Q. And do you think that's been the case throughout what I've been asking you already today?</li> <li>A. Yes.</li> <li>Q. And there's nothing else, other than being a little tired, that might prevent you or has prevented you from answering fully and truthfully?</li> <li>A. Eating lunch, awaiting food.</li> <li>Q. If it gets to the point of being hungry, let me know.</li> <li>A. That's for you guys, not for me. I mean, because if I eat, then I can't go on already, yeah.</li> <li>Q. Well, if we're getting to the point where you're soon not going to be able to answer truthfully and fully and remember correctly, let me know and then we can talk about what to do.</li> <li>Let me ask you, is the pay for the I want to talk about the pay for the enforcement team members, are they paid hourly or are they paid on an</li> </ul>
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[		1	
1	Page 134 A. Correct.	1	Page 136 you mentioned him before, other than Allan Sato?
1 2	Q. And then how do you decide if it's unusable?	2	A. Sometimes HPD.
3	A. By definition of a tarp.	3	Q. Okay. HPD, would you consult with them and
4	Q. So you basically kind of look at it and make	4	ask them
1	the decision whether something is useable or unusable?	5	A. They would point out things.
5	A. By the definition and the use of a tarp, I	6	Q. Okay. And then you would make the decision?
	mean, unless it's soiled and contaminated, you know,	7	A. Right.
7	with bird droppings and things like that, then I won't	8	Q. And how about anybody from, say, the health
8	store it. I will dispose of it.	9	department or officials like that, are they there and
9		10	you're consulting with them too?
10	Q. But what I'm meaning is that's a decision you	11	A. If we have something that we know is
11	make in your own discretion and judgment, by looking	12	-
12	at it?		contaminated, we would call the Department of Health.
13	A. Yes.	13	Q. But on for the most part, when you're
14	Q. And then the last line, other than items that	14	looking at, say, a tent or tarp and trying to decide
15	when stored over a period of time will grow mold and	15	if it's dangerous or contaminated, that's you making a
16	develop airborne pathogens are discarded.	16	decision and you don't have like a health department
17	A. Which section is that?	17	official there with you that you're consulting with?
18	Q. It's the paragraph 10, and it's the last	18	A. Correct.
19	sentence of paragraph 10. So maybe you should read	19	Q. So have you ever called the Department of
20	all of paragraph 10. It's only a couple of sentences.	20	Health during enforcement actions?
21	A. Okay.	21	A. During a cleanup.
22	Q. And I'm just kind of curious, how do you know	22	Q. Is that when you have when would you do
23	when something will develop airborne pathogens? Isn't	23	that?
24	that something you need to be a scientist to know	24	A. When we find something suspicious.
25	about?	25	Q. Are there any items that don't go into the
		I	
	Page 135		Page 137
1	Page 135	1	Page 137 into the refuse containers? I'm sorry, strike that.
1	A. When I sneeze.		into the refuse containers? I'm sorry, strike that.
2	A. When I sneeze. Q. So any time	1 2 3	into the refuse containers? I'm sorry, strike that. Are there any items that don't go into the
2 3	A. When I sneeze. Q. So any time A. Well, that's one.	2	into the refuse containers? I'm sorry, strike that.
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2 3 4	A. When I sneeze. Q. So any time A. Well, that's one.	2 3 4	<ul> <li>into the refuse containers? I'm sorry, strike that.</li> <li>Are there any items that don't go into the refuse truck that are disposed of because they're health hazards?</li> <li>A. Motor oil, antifreeze, fire extinguishers, air</li> </ul>
2 3 4 5	<ul> <li>A. When I sneeze.</li> <li>Q. So any time</li> <li>A. Well, that's one.</li> <li>Q. I'm just trying to figure out how you know,</li> <li>(like if someone sneezes on a tent, is that enough to)</li> </ul>	2 3 4 5	into the refuse containers? I'm sorry, strike that. Are there any items that don't go into the refuse truck that are disposed of because they're health hazards?
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	Page 142	1 .	Page 144
1	A. Is to protect us.		of the notices that was posted generally in Kakaako
2	Q. And when you tape it off, what does that	2	before the enforcement actions this month and last
3	indicate to other people, that they can't go in or	3	month?
4	that	4	A. Yes.
5	A. Yeah, that they can't enter the red-tape area.	5	Q. And did your team help post this?
6	Q. And then the owner I think you said that	6	A. Yes.
7	the owners can go in; is that right?	7	Q. And did you have any hand in writing this?
8	A. Correct.	8	A. No.
9	Q. And how does someone get permission to go in?	9	Q. It was just your job was to just help post
10	Is it they go up to you and say they're an owner?	10	it?
11	A. They ask us if we can get in.	11	A. Yes.
12	Q. And then what happens when they ask?	12	Q. And if you'll look at the last two sentences,
13	A. We let them in.	13	the ones that are bolded, where it says, "Once SPO and
14	Q. And do they have to say I've got something	14	SNO enforcement commences, you should not interfere
15	there or do you	15	with this government operation. If you do, you may be
16	A. No, they ask, can I get my things? I'll say,	16	subject to arrest." Does that in your mind, does
17	yeah, you can get your things.	17	that not apply to the owners that would go would
18	Q. And what is it to protect you from?	18	get permission to go in the red-taped area?
19	A. If there's a confrontation, HPD that can order	19	A. Can you repeat the question?
20	them outside the red tape.	20	Q. Yeah, those last two sentences, the ones that
21	Q. Has that always been your policy, to let the	21	are bolded, would that not apply to a situation where
22	owner into the red-taped area?	22	an owner asked to go into the red-taped area?
23	MR. NOMURA: Objection. Vague and	23	MR. NOMURA: Objection. Vague and
24	ambiguous.	24	ambiguous. Document speaks for itself. Calls for
25	THE WITNESS: Yes.	25	speculation.
i	Page 143		Page 145
1	Page 143 BY MR. KACPROWSKI:	1	Page 145 THE WITNESS: So you're asking me if it
1		1	Page 145 THE WITNESS: So you're asking me if it applies to an owner?
	BY MR. KACPROWSKI:		THE WITNESS: So you're asking me if it
2	BY MR. KACPROWSKI: Q. And how do the owners know that they're	2	THE WITNESS: So you're asking me if it applies to an owner?
2 3	BY MR. KACPROWSKI: Q. And how do the owners know that they're allowed to go into the red-taped area? A. I don't understand that question.	2 3	THE WITNESS: So you're asking me if it applies to an owner? BY MR. KACPROWSKI:
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37 (Pages 142 to 145)

	Dage 146	Τ	Dago 140
1	Page 146 think they can understand the conversation and the	1	Page 148 A. No.
2	question about whether something can be should be	2	Q. And what happens to bicycles or bicycle parts
3	stored or not?	3	that you find during enforcement actions?
4	A. Speak pidgin. We communicate, hand signals	4	A. Bicycles are stored during enforcement.
5	or, you know, grab things, hand them to them or things	5	Bicycle parts is if they ask us to store it, we'll
6	like that.	6	store it, or we ask them can we throw it away, and
7	Q. Have there been times when you've disposed of	7	then we will put it in our flatbed truck to be
8	items based on the hand signals and the non-verbal	8	recycled.
9	communication with people who can't speak English or	9	Q. Does the HPD have to examine bicycles or
10	can't speak pidgin?	10	bicycle parts after you after you impound them?
11	A. With their consent, so throw away, take this	11	A. They have the option of inspecting it at the
12	or throw away.	12	time of impoundment.
13	Q. Okay. So if someone doesn't speak English,	13	Q. And do they usually do that or is it usually
14	what you would try to do is use hand signals and sort	14	just put on the truck and then you either store or
15	of basic English to try to determine whether they want	15	dispose of it?
16	something thrown away or stored?	16	A. Sometimes, sometimes not.
17	A. So we give it to them, hand it to them, and	17	Q. Is it pretty would you say it's usual for
18	they will say (indicating). They will shake their	18	the HPD to inspect the bicycles or bicycle parts or is
19	hands like that, say <mark>no.</mark>	19	that more of an unusual thing?
20	Q. Okay. So I'm just describing what you're	20	MR. NOMURA: Objection. Vague and
21	doing because we're on the record. So they shake	21	ambiguous. Compound.
22	their hands like in a way that indicates to you, no,	22	THE WITNESS: Bicycle parts, they don't.
23	they don't want it stored, then you might consider	23	Whole bicycles, they may run the serial numbers to see
24	that consent to throw something away.	24	if it's stolen or not.
25	A. (Nodding head.)	25	BY MR. KACPROWSKI:
1	Page 147 Q. And why why is it that you don't have	1	Page 149 Q. And have they if they do find something
1 2	interpreters with you? Is that a budget issue or any	2	stolen, does the HPD take the bicycle, or what happens
3	other reason?	3	in that situation?
4	A. I don't know.	4	A. They will take the bicycle and arrest the
5	Q. Let's talk about stored property that's	5	person.
6	stored and the process for coming to reclaim it. Do	6	Q. And have you seen that happen?
7	you know what the process is for getting a waiver of	7	A. I never seen them arrest anybody.
8	the \$200 SNO fee?	8	Q. Have you seen them take the bicycle?
9	A. There is an application form that is filled	9	A. Yes.
10	out.	10	Q. You mentioned earlier that there were times
11	Q. And are you involved in that process at all?	11	when you do enforcement actions where you might call
12	A. No.	12	the Department of Health.
13	Q. Have you seen the application form?	13	A. Correct.
14	A. Yes.	14	Q. When might you call the Department of Health?
15	Q. And do you know where the application form is	15	A. When you when we discovered that in one
16	turned in to?	16	it really wasn't an enforcement. It was a cleanup of
17	A. To our office in Kapolei.	17	bags that normally would be used for contaminated
18	Q. And do you know what the Kapolei office does	18	soil.
19	after they get it?	19	Q. And are there any other times that you can
20	A. No.	20	think of that you called the Department of Health?
21	Q. And do you know what if the application	21	A. Did one enforcement where we found five-gallon
22	form is in any language other than English?	22	barrels of looked like used oil.
23	A. I don't know.	23	Q. Is calling the Department of Health, is that
24	Q. What happens to and do you know who	24	something that happens fairly rarely, would you say?
25	developed the application form, who wrote it?	25	A. Rare.

1 2 3 4 5 6 7 8 9 10	read the foregoing typewritten pages 1 through 178, inclusive, and corrections, if any, were noted by me and the same is a true and correct transcript of my testimony.	
11 12 13 14 15	KENNETH SHIMIZU	
16 17 18 19 20 21	Signed before me this day of , 20 .	
22 23 24 25	Martin vs. City and County of Honolulu, United States District Court, District of Hawaii, Civil No. CV15-00363 HG-KSC, taken on Friday, October 16, 2015, by Jessica R. Perry, CSR.	
1 2	Page 179 C E R T I F I C A T E I, JESSICA R. PERRY, do herby certify:	
3 4	That on Friday, October 16, 2015, at 8:05 a.m.,	
12 13 14 15 16 17 18 19 20 21	appeared before me KENNETH SHIMIZU, the witness whose deposition is contained herein; that prior to being examined he was by me duly sworn or affirmed pursuant to Act 110 of the 2010 Session of the Hawaii State Legislature; That the deposition was taken down by me in machine shorthand and was thereafter reduced to typewriting; that the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter. That pursuant to Rule 30(e) of the Hawaii Rules of Civil Procedure, a request for an opportunity to review and make changes to this transcript: X Was made by the deponent or a party (and/or their attorney) prior to the completion of the deposition. Was not made by the deponent or a party (and/or their attorney) prior to the completion of the deposition. Was waived. I further certify that I am not an attorney for any of the parties hereto, nor in any way concerned with the cause. Dated this 20th day of October, 2015, in Honolulu, Hawaii.	

1	IN THE UNITED STATES DISTRICT COURT
2	FOR THE DISTRICT OF HAWAII
3	TABATHA MARTIN; et al,Case No. CV15-00363 HG-KSC
4	Plaintiff, vs.
5	CITY AND COUNTY OF HONOLULU,
6	a municipal corporation, et al.,
7	Defendants.
8	
9	
10	DEPOSITION OF LESLIEANN K. PONTE
11	Taken on behalf of the Plaintiffs,
12	at Alston Hunt Floyd & Ing,
13	American Savings Bank Tower, 18th Floor
14	1001 Bishop Street; Honolulu, Hawaii 96813
15	commencing at 9:22 a.m.,
16	on Friday, October 23, 2015,
17	pursuant to Notice.
18	
19	BEFORE: HEDY COLEMAN, CSR NO. 116
20	Registered Merit Reporter
21	
22	
23	
24	
25	
-	

1	APPEARANCES:
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6	
7	and
8	NICKOLAS A. KACPROWSKI, ESQ. KRISTIN L. HOLLAND, ESQ.
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10	Exhibit 35	Video marked MVI_7131.	131
11			
12	Exhibit 36	Video marked MVI_7087.	135
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1	THE REPORTER: Our disclosure is complete and available
2	for everyone to review. It will be attached to the
3	deposition transcript.
4	LESLIEANN K. PONTE,
5	called as a witness on behalf of the Plaintiffs,
6	having been duly sworn or affirmed to tell the truth,
7	the whole truth and nothing but the truth, was examined
8	and testified as follows:
9	EXAMINATION
10	BY MR. GLUCK
11	Q Good morning. My name is Dan Gluck, I'm one
12	of the lawyers for the Plaintiffs in this case. Can
13	you please state your full name for the record.
14	A Leslieann K. Ponte.
15	Q Have you ever been deposed before?
16	A No.
17	Q Okay. This deposition is being recorded.
18	Therefore, it's important to answer verbally with a
19	yes or no rather than nodding your head. Does that
20	sound okay?
21	A Fine.
22	Q I may ask a question that I don't state very
23	well or that for some other reason you don't quite
24	understand. If you don't understand my question for
25	any reason, please, just let me know, I'll do my very

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1	nomenclature, so if there's a shirt, shirt or if
2	there's shorts, shorts, or a shoe, or stuff like that.
3	That's what I would be doing. And the person that
4	would be writing the ticket would tell me oh, okay,
5	yeah, we can't take that, so put that on the side.
6	And then I finish.
7	Q So do you know how that person would decide
8	what could be stored and what couldn't be stored?
9	A Normally, it would be things that were like
10	soiled or wet, if it posed a safety hazard or a health
11	hazard, any open food containers, any plastic bottles,
12	cans and, yeah.
13	Q You said generally. Was that all the time?
14	Were there other things that were thrown away that
15	didn't meet those criteria?
16	MR. DAY: Objection; compound.
17	A They would make that decision. So
18	BY MR. GLUCK
19	Q Who would make that decision?
20	A The supervisors.
21	Q Okay. Do you know how they would decide?
22	A I don't know what the thought process is.
23	Q Okay. But, it was always the supervisor's
24	decision whether to throw something away versus to
25	store it, is that right?

1	CERTIFICATE
2	
3	I, HEDY COLEMAN, CSR No. 116, in and for the State
4	of Hawaii, do hereby certify:
5	That I was acting as shorthand reporter in the
6	foregoing matter on the 23rd day of October, 2015;
7	That the proceedings were taken down in machine
8	shorthand by me and were thereafter reduced to
9	typewriting by me; that the foregoing represents, to the
10	best of my ability, a correct transcript of the
11	proceedings had in the foregoing;
12	That pursuant to Rule 30(e) of the Hawaii Rules
13	of Civil Procedure, a request for an opportunity to
14	review and make changes to this transcript was made by
15	the deponent or a party, and/or their attorney prior to
16	the completion of the deposition.
17	I further certify that I am not counsel for any of
18	the parties hereto, nor in any way interested in the
19	outcome of the cause named in the caption.
20	
21	DATED:
22	
23	
24	HEDY COLEMAN, CSR #116
25	

1	CERTIFICATE
2	I, LESLIEANN K. PONTE, do hereby certify that I
3	have read the foregoing pages 1 through 167, inclusive,
4	and corrections, if any, were noted by me; and that same
5	is now a true and correct transcript of my testimony.
6	
7	Dated
8	
9	LESLIEANN K. PONTE
10	LESLIEANN R. FONIE
11	
12	Number of correction sheets submitted:
13	or
14	Corrections were not necessary (Please initial):
15	
16	
17	Signed before me this
18	day of, 2015.
19	
20	
21	
22	
23	Case: Martin vs. City and County of Honolulu; et al.,
24	Civil No.: CV15-00363 HG-KSC
25	Date: 7-15-08, Hedy Coleman.