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ATTORNEYS FOR AMICUS CURIAE
AMERICAN CIVIL LIBERTIES UNION
OF HAWAI'I FOUNDATION

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

SAVE SHARKS COVE ALLIANCE,
MĀLAMA PŪPŪKEA-WAIMEA,
HAWAI'I'S THOUSAND FRIENDS,
LARRY McELHENY, JOHN THIELST,
CORA SANCHEZ, and SURFRIDER
FOUNDATION

Plaintiffs,

v.

CITY AND COUNTY OF HONOLULU;
CITY COUNCIL OF THE CITY AND
COUNTY OF HONOLULU;
DEPARTMENT OF PLANNING AND
PERMITTING OF THE CITY AND
COUNTY OF HONOLULU;
HANAPOHAKU LLC; DOES 1-10,

Defendants.

Civil No. 19-1-0057-01 JHA
(Declaratory and Injunctive Relief)

**AMICUS CURIAE THE AMERICAN
CIVIL LIBERTIES UNION OF HAWAI'I
FOUNDATION'S MOTION FOR LEAVE
TO FILE AMICUS BRIEF IN SUPPORT
OF COUNTERCLAIM DEFENDANTS'
JOINT RENEWED MOTION FOR
JUDGMENT ON THE PLEADINGS;
DECLARATION OF COUNSEL; EXHIBIT
A; and CERTIFICATE OF SERVICE**

NON-HEARING MOTION

Hearing on Counterclaim Defendants' Motion:

Date: October 28, 2020
Time: 10:15 a.m.
Judge: Hon. James H. Ashford
Trial Date: February 22, 2021

HANAPOHAKU LLC

Counterclaim Plaintiff,

v.

SAVE SHARKS COVE ALLIANCE,
MĀLAMA PŪPŪKEA-WAIMEA,
HAWAI‘I’S THOUSAND FRIENDS,
LARRY McELHENY, JOHN THIELST,
and CORA SANCHEZ,

Counterclaim Defendants.

**AMICUS CURIAE THE AMERICAN CIVIL LIBERTIES UNION OF HAWAI‘I
FOUNDATION’S MOTION FOR LEAVE TO FILE AMICUS BRIEF IN SUPPORT OF
COUNTERCLAIM DEFENDANTS’ JOINT RENEWED MOTION FOR JUDGMENT
ON THE PLEADINGS**

Non-party and proposed Amicus Curiae the American Civil Liberties Union of Hawai‘i Foundation (“ACLU of Hawai‘i”) hereby moves this Honorable Court for leave to file an amicus brief in support of Counterclaim Defendants Save Sharks Cove Alliance (“SSCA”), Mālama Pūpūkea-Waimea (“MPW”), Hawai‘i’s Thousand Friends (“HTF”), Larry McElheny, John Thielst, and Cora Sanchez’s (collectively, “Save Sharks Cove”) Joint Renewed Motion for Judgment on the Pleadings (the “Motion”) on Defendant/Counterclaimant Hanapohaku LLC’s (“Developer”) Counterclaims.

As set forth in the concurrently filed Declaration of Counsel and the Proposed Amicus Brief attached hereto as Exhibit A, the American Civil Liberties Union, of which the ACLU of Hawai‘i Foundation is an affiliate, is a nationwide, nonprofit, nonpartisan organization with over 1.8 million members dedicated to the preservation of the Bill of Rights and the defense of the freedoms in the Constitution. The ACLU of Hawai‘i has nearly 4,000 members and has been devoted to protecting the civil rights and liberties of the people of the Hawaiian Islands, Guam, and American Samoa since its inception in Hawai‘i in 1965. The ACLU of Hawai‘i appears routinely in state and federal courts, both as amicus and as direct counsel, especially on matters

of high public concern, such as the attacks on public interest speech and litigation raised by the Developer's Counterclaims.

Under these circumstances, the ACLU of Hawai'i respectfully submits that good cause exists to permit the ACLU of Hawai'i to file an amicus brief setting forth the following information, which the ACLU of Hawai'i believes will aid the Court in its resolution of the Motion:

1. An explanation of the importance of the right to petition, including through litigation, in a democratic society;
2. An explanation of the threat posed to that right by so-called Strategic Lawsuits Against Public Participation ("SLAPPs") like the Developer's Counterclaims;
3. A summary of several significant SLAPP victories obtained by community activists, demonstrating that the Counterclaims fit squarely within the landscape of meritless cases brought against such groups to chill petitioning activity; and
4. A description of the serious negative consequences for the exercise of the right to petition, especially for community activists, that would result from the failure to dismiss this SLAPP against Save Sharks Cove.

This Motion is brought pursuant to Rule 7 of the Hawai'i Rules of Civil Procedure. It is based upon the Proposed Amicus Brief, the Declaration of Counsel, the files and records in this case, and other matters as may be presented at a hearing on Save Sharks Cove's Motion.

Counsel for the ACLU of Hawai'i sought the position of counsel for Plaintiffs, for the Developer, and for Defendant the City and County of Honolulu on the ACLU of Hawai'i's Motion for Leave to File Amicus Brief. Plaintiffs' counsel does not oppose this Motion. Mr.

Tobin, counsel for the Developer, indicated that he opposes this Motion. Mr. Saito, counsel for the City, did not indicate whether he opposes this Motion.

DATED: Honolulu, Hawai‘i, October 13, 2020.

/s/ Thomas M. Otake

THOMAS M. OTAKE
MARK S. DAVIS
JACQUELYNN K.M. LEVIEN
Attorneys for Amicus Curiae
AMERICAN CIVIL LIBERTIES UNION OF
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HANAPOHAKU LLC; DOES 1-10,

Defendants.

HANAPOHAKU LLC

Counterclaim Plaintiff,

v.

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MĀLAMA PŪPŪKEA-WAIMEA,
HAWAI'I'S THOUSAND FRIENDS,
LARRY McELHENY, JOHN THIELST,
and CORA SANCHEZ,

Counterclaim Defendants.

Civil No. 19-1-0057-01 JHA
(Declaratory and Injunctive Relief)

DECLARATION OF COUNSEL

DECLARATION OF COUNSEL

I, THOMAS M. OTAKE, hereby declare as follows:

1. Amicus Curiae the American Civil Liberties Union of Hawai'i Foundation ("ACLU of Hawai'i") is represented by Mark S. Davis, Thomas M. Otake, and Jacquelynn K. M. Levien in the above-entitled case.

2. The present motion is based on the following:

a. The American Civil Liberties Union, of which the ACLU of Hawai'i Foundation

is an affiliate, is a nationwide, nonprofit, nonpartisan organization with over 1.8 million members dedicated to the preservation of the Bill of Rights and the defense of the freedoms in the Constitution. The ACLU of Hawai‘i has nearly 4,000 members and has been devoted to protecting the civil rights and liberties of the people of the Hawaiian Islands, Guam, and American Samoa since its inception in Hawai‘i in 1965.

- b. The ACLU of Hawai‘i appears routinely in state and federal courts, both as amicus and as direct counsel, especially on matters of high public concern.
- c. The ACLU of Hawai‘i seeks leave to file an amicus brief in support of Counterclaim Defendants Save Sharks Cove Alliance (“SSCA”), Mālama Pūpūkea-Waimea (“MPW”), Hawai‘i’s Thousand Friends (“HTF”), Larry McElheny, John Thielst, and Cora Sanchez’s (collectively, “Save Sharks Cove”) Joint Renewed Motion for Judgment on the Pleadings (the “Motion”) on Defendant/Counterclaimant Hanapohaku LLC’s (“Developer”) Counterclaims.
- d. The Developer’s Counterclaims are matters of high public concern, as they raise issues of the right to petition protected under the Constitutions of the State of Hawai‘i and of the United States.
- e. Under these circumstances, the ACLU of Hawai‘i respectfully submits that good cause exists to permit the ACLU of Hawai‘i to file an amicus brief setting forth the following information, which the ACLU of Hawai‘i believes will aid the Court in its resolution of the Motion: (1) an explanation of the importance of the right to petition, including through litigation, in a democratic society, and of (2) the threat posed to that right by so-called Strategic Lawsuits Against Public Participation (“SLAPPs”) like the Developer’s Counterclaims; (3) a summary of

several significant SLAPP victories obtained by community activists, demonstrating that the Counterclaims fit squarely within the landscape of meritless cases brought against such groups to chill petitioning activity; and (4) a description of the serious negative consequences for the exercise of the right to petition, especially for community activists, that would result from the failure to dismiss this SLAPP against Save Sharks Cove.

3. Based on the foregoing, on behalf of Amicus Curiae the ACLU of Hawai‘i, I respectfully request that this Honorable Court grant the ACLU of Hawai‘i leave to file the amicus brief attached hereto as Exhibit A.

4. Counsel for the ACLU of Hawai‘i sought the position of counsel for Plaintiffs, for the Developer, and for Defendant the City and County of Honolulu on the ACLU of Hawai‘i’s Motion for Leave to File Amicus Brief. Plaintiffs’ counsel does not oppose this Motion. Mr. Tobin, counsel for the Developer, indicated that he opposes this Motion. Mr. Saito, counsel for the City, did not indicate whether he opposes this Motion.

5. I declare under penalty of perjury that the foregoing is true and correct to the best of my information and belief.

DATED: Honolulu, Hawai‘i, October 13, 2020.

/s/ Thomas M. Otake
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Attorneys for Amicus Curiae
AMERICAN CIVIL LIBERTIES UNION OF
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EXHIBIT A

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**AMICUS CURIAE THE AMERICAN
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FOUNDATION'S AMICUS BRIEF IN
SUPPORT OF COUNTERCLAIM
DEFENDANTS' JOINT RENEWED
MOTION FOR JUDGMENT ON THE
PLEADINGS**

SAVE SHARKS COVE ALLIANCE,
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**AMICUS CURIAE THE AMERICAN CIVIL LIBERTIES UNION OF HAWAI‘I
FOUNDATION’S AMICUS BRIEF IN SUPPORT OF COUNTERCLAIM
DEFENDANTS’ JOINT RENEWED MOTION FOR JUDGMENT ON THE PLEADINGS**

I. INTRODUCTION

The American Civil Liberties Union of Hawai‘i Foundation (“ACLU of Hawai‘i”) respectfully submits this brief as *amicus curiae* in support of Counterclaim Defendants Save Sharks Cove Alliance (“SSCA”), Mālama Pūpūkea-Waimea (“MPW”), Hawai‘i’s Thousand Friends (“HTF”), Larry McElheny, John Thielst, and Cora Sanchez’s (collectively, “Save Sharks Cove”) Joint Renewed Motion for Judgment on the Pleadings (the “Motion”) on Defendant/Counterclaimant Hanapohaku LLC’s (“Developer”) Counterclaims.

The Developer seeks to chill the rights of community groups and members of the public in Hawai‘i to petition their government—indeed, to seek the *protection* of their government with respect to proper land use and environmental permitting processes. The Counterclaim has already burdened the petition rights of Save Sharks Cove by ratcheting up litigation costs and burdens on the community activists involved in this public interest lawsuit and distracting attention from the central issues in this case. Allowing the Counterclaim to survive any longer will only deepen its serious—and *intentional*—detrimental effects on the engagement of our civic community in Hawai‘i. Public interest litigation is a tool to which civic groups must often resort after exhausting other means of redress and petition. The right to bring cases against the government, and the private entities seeking government permits, must therefore be protected from reprisal.

This brief thus endeavors to provide the Court with: (1) an explanation of the importance of the right to petition, including through litigation, in a democratic society, and of (2) the threat posed to that right by so-called Strategic Lawsuits Against Public Participation (“SLAPPs”) like the Developer’s Counterclaims; (3) a summary of several significant SLAPP victories obtained by community activists, demonstrating that the Counterclaims fit squarely within the landscape of meritless cases brought against such groups to chill petitioning activity; and (4) a description of the serious negative consequences for the exercise of the right to petition, especially for community activists, that would result from the failure to dismiss this SLAPP against Save Sharks Cove. As the cases discussed below prove, permitting the Developer’s claims to continue looming over Save Sharks Cove emboldens such parties to use these aggressive tactics to chill any critic’s petitioning activity, and ultimately, would steamroll the legal process into one about money and threats, rather than merits and the rule of law.

II. ARGUMENT

A. The Right to Petition is Essential to a Democratic Society.

Both the United States Constitution and the Constitution of the State of Hawai‘i explicitly protect “the right of the people ... to petition the government for a redress of grievances.” *See* U.S. CONST. AMEND. I; HAW. CONST. ART. I, § 4 (the “Petition Clauses”). Moreover, it is well-settled that the protections set forth in the Petition Clauses reach beyond the act of collecting signatures on a traditional petition¹ or providing testimony at a public hearing. The Petition Clauses directly protect “[l]itigation activities constituting ‘communications to the court,’”

¹ A local example of such activity, the Kū‘ē Petitions, or the Anti-Annexation Petitions, collecting 21,269 signatures of subjects and residents of the Hawaiian Kingdom opposed to the annexation of Hawai‘i by the United States in 1897, reminds us that the right to petition is not a creature of American positive law or culture, and instead is a fundamental human right exercised by people all over the world for centuries. *See* Noenoe K. Silva, *Aloha Betrayed* 4, 145-152 (2004).

including the filing of “complaints.” *Lesane v. Hawaiian Airlines, Inc.*, 2020 WL 954964, *3 (D. Haw., Feb. 27, 2020) (internal citations omitted). And while the Petition Clauses refer to claims against “the government,” their protections also extend to petitioning the courts for relief against those who seek the government’s imprimatur for their activities, such as through permitting or licensing, ensuring that those processes are not coopted by private actors. *See, e.g., Oregon Nat. Res. Council v. Mohla*, 944 F.2d 531, 533 (9th Cir. 1991) (“petitioning activity” included claims against U.S. Forest Service and contractor submitting logging bids thereto).

Civic engagement in “petitioning activity,” including lawsuits against governments and those they bless with permission or authority, is foundational to the health of our democracy. The “right to petition” is “integral to the democratic process,” *Borough of Duryea, Pa. v. Guarnieri*, 564 U.S. 379, 388 (2011), and is a means by which we make explicit the notion “implicit in the democratic process ... that government should be accountable for its actions.” *Sierra Club v. Superior Court*, 57 Cal.4th 157, 164 (2013).

B. SLAPPs Are a Grave Threat to the Exercise of the Right to Petition.

In an ironic perversion of the purpose of the Petition Clauses, the right to petition through litigation can itself be chilled by the filing of frivolous claims. Such claims, known as Strategic Lawsuits Against Public Participation, or “SLAPPs,” are meant to deter litigants from exercising their right to petition. SLAPPs dissuade community members from participating in the legal process, distract from the merits of the issues before the court, burden public interest litigants with higher costs, and expose civic groups to grave financial risk. “SLAPP suits pervert our legal system by turning it into a war of attrition, a place where who is right and who is wrong does not matter nearly as much as who has the most resources.” *SLAPPED: A Tool for Activists*, ACLU OF OHIO, May 2014, at 2, available at <http://www.acluohio.org/wp-content/uploads/2014/05/SLAPPED-ToolForActivists.pdf>. Moreover, SLAPPs send a clear

message to the civic community: “Exercise your First Amendment rights at your own peril.” *Id.* In recognition of this chilling effect SLAPPs exert on the free exercise of First Amendment rights, courts apply heightened scrutiny to such suits. *See Oregon Nat. Res. Council*, 944 F.2d at 533 (“Where a claim involves the right to petition governmental bodies ... we apply a heightened pleading standard.”).

C. The Developer’s Counterclaims Fit Squarely Within the Landscape of SLAPPs Dismissed for Their Chilling Effect on the Right to Petition.

While Save Sharks Cove’s Motion sets forth compelling and utterly sufficient reasons for the Court to dismiss the Counterclaims, analogous cases from state courts across the United States further support dismissing the Counterclaims. The following cases, in which the American Civil Liberties Union’s affiliates across the nation have successfully defended against SLAPPs similar to the Developer’s, amply demonstrate that the Counterclaims fit into the landscape of cases dismissed by courts for their chilling effect on the right to petition. Indeed, “[t]he paradigm SLAPP is a suit filed by a large land developer against environmental activists or a neighborhood association intended to chill the defendants’ continued political or legal opposition to the developers’ plans.” *Briggs v. Eden Council for Hope & Opportunity*, 19 Cal.4th 1106, 1125 (1999).

As *amicus curiae* in *Right-Price Recreation, LLC v. Connells Prairie Cmty. Council*, 146 Wash.2d 370, 374 (2002), the ACLU of Washington supported citizens groups and their members against a land developer who sought to develop a historic land district. When the citizens groups and several individual members spoke out against the proposed development, the developer brought claims against them for commercial disparagement and tortious interference. The ACLU of Washington submitted an amicus brief warning that “[t]his case poses a unique danger ... that Right Price may achieve its objective simply by prolonging the litigation.” *See Br. for Amicus Curiae ACLU of Washington in Supp. of Petitioner*, 4, *Right-Price Recreation*,

LLC v. Connells Prairie Cmty. Council, No. 71099-6, 2002 WL 32863091 (Wash. Jan. 7, 2002). The Washington Supreme Court agreed, ordering the SLAPP dismissed. *Right-Price Recreation, LLC*, 146 Wash.2d at 384.

In another case involving opposition to land development, *Euler v. Flasch*, No. 12-C-16-001216 OC (Md. Cir. Ct. 2016), the ACLU of Maryland represented community organizers who petitioned against expanding their town’s development area. A developer who sought the expansion sued the organizers for, among other claims, tortious interference with prospective business advantage. *See* Defs. Mem. in Supp. of Mot. to Dismiss, 7, *Euler v. Flasch*, No. 12-C-16-001216 OC (Md. Cir. Ct. 2016), available at https://www.aclu-md.org/sites/default/files/legacy/files/pld.motion_to_dismiss_memo.pdf. In its motion to dismiss, the ACLU of Maryland captured the danger of SLAPPs: “The mere threat of expensive and time-consuming litigation is enough to chill protected speech.” *Id.* at 6. The Maryland Circuit Court dismissed the claims with prejudice.

As Save Sharks Cove has done, the defendants in *Global Waste Recycling, Inc. v. Mallette*, 762 A.2d 1208, 1209 (R.I. 2000) made public statements expressing environmental concerns about the developer-plaintiff’s land use. The Supreme Court of Rhode Island rejected the developer-plaintiff’s “novel and meritless” argument that SLAPP protections are limited to petitioning activity that occurs directly before a governmental body. *Id.* at 1213.

Examples of SLAPPs ordered dismissed abound outside the environmental context as well. In *City of Santa Barbara v. Poet*, No. 1243675, 2007 WL 2348238 (Cal. Super. 2007), a citizen-activist spearheaded a public initiative—which was ultimately passed by voters—to change law enforcement priorities in the City of Santa Barbara, California. When the City sued to overturn the initiative, it also sued Heather Poet, the activist bold enough to sponsor a petition. *Id.* The ACLU of California, in successfully arguing to dismiss the City’s claims against Poet,

convinced the court that “[t]his lawsuit, if allowed, would have the effect of chilling political activity, as the sponsor of an initiative would be forced to bear the risk of being named as a defendant by any governmental body that wanted to test its belief that the initiative might be unlawful.” Mem. of P&A in Supp. of Spec. Mot. to Strike, 6, *id.*, available at https://www.aclu.org/sites/default/files/field_document/asset_upload_file72_29627.pdf.

Moreover, in *Fashion 21 v. Coal. for Humane Immigrant Rights of Los Angeles*, 117 Cal.App.4th 1138, 1142 (2004), the ACLU of Southern California obtained a dismissal of clothing retailer Forever 21’s business tort claims against anti-sweatshop advocates and individual garment workers who organized a boycott of Forever 21 because of oppressive conditions in its factories. *Id.* at 1144. Notably, and in a demonstration of the appropriate outcome of Save Sharks Cove’s Motion, the trial court immediately dismissed Forever 21’s interference with prospective business advantage claim. *Id.* Nevertheless, Forever 21 drained the community organizers’ resources for two more years before the Court of Appeal ordered the SLAPP dismissed.

Finally, in a series of cases familiar to viewers of HBO’s *Last Week Tonight with John Oliver*, the ACLU of Ohio battled against coal baron and serial SLAPPer Robert Murray. *See SLAPP Suits*, *Last Week Tonight with John Oliver*, HBO (aired Nov. 10, 2019). In *Murray v. Ciocia*, No. CA-15-102792 (Ohio Ct. App. 8th App. Dist. 2015) (dismissed Oct. 5, 2015), Murray and his companies sued activists for organizing a protest outside Murray Energy Corporation’s offices in Cleveland, in which protestors held signs and made statements to the media that were critical of Murray and his companies. In the ACLU of Ohio’s amicus brief, it noted that Murray had sued dozens of other journalists, writers, and activists for making “defamatory” statements about him or the company—and that none of those cases had resulted in a judgment on the merits, instead falling to early dispositive motions or settlements. *See Br. of*

Amicus Curiae ACLU of Ohio Found. in Supp. of Defs.-Appellees, 2, *Murray v. Ciocia*, No. CA-15-102792 (Ohio Ct. App. 8th App. Dist. 2015) (hereinafter, “ACLU of Ohio Br.”), available at https://www.acluohio.org/wp-content/uploads/2015/07/MurrayEtAlV.CiociaEtAl-Amicus2015_0715.pdf. Amicus noted that Murray was “using the law and his superior resources to frighten and silence people who criticize him or his company.” *Id.* at 3. Displaying his cavalier attitude towards civil claims—and utterly confirming amicus’s arguments—Murray dismissed his own suit three months later.

Together, these cases from the civil rights and environmental contexts amply demonstrate that the Counterclaims are a “paradigm SLAPP ... filed by a large land developer” against Save Sharks Cove “to chill the defendants’ continued political or legal opposition to the developers’ plans.” *Briggs*, 19 Cal.4th at 1125.

D. Failure to Dismiss the Counterclaims Emboldens Litigants to File Frivolous Claims Against Community Groups as a Tactic for Chilling Petition Rights.

As noted by the ACLU of Ohio in *Murray*, SLAPPs are not about winning on the merits—they are about bullying activists into submission with money and fear. *See* ACLU of Ohio Br. at 2. Failing to dismiss the Counterclaims will embolden the Developer to file baseless counterclaims against any future community group who seeks to hold it accountable. Likewise, permitting the Counterclaims to continue encourages other litigants, when faced with community criticism of their conduct, to file frivolous claims against those critics as a tactic for chilling constitutionally-protected petitioning activity. Heather Poet, the defendant in *City of Santa Barbara*, confirmed the effects of being named a defendant in a SLAPP: “It was terrifying ... and for a fleeting moment it made me feel maybe I shouldn’t have gotten involved in the democratic process.” *Court Upholds Law*, ACLU.ORG (July 10, 2007), available at <https://www.aclu.org/press-releases/court-upholds-law-making-marijuana-santa-barbaras-lowest->

[law-enforcement-priority](#). It is exactly that chilling effect that this Court must undermine by dismissing the Counterclaims.

III. CONCLUSION

For the reasons set forth above, Amicus Curiae the ACLU of Hawai'i Foundation respectfully requests that the Court grant Save Sharks Cove's Renewed Motion for Judgment on the Pleadings and that the Developer's Counterclaims be dismissed with prejudice.

DATED: Honolulu, Hawai'i, _____, ___, 2020.

/s/

THOMAS M. OTAKE
MARK S. DAVIS
JACQUELYNN K.M. LEVIEN
Attorneys for Amicus Curiae
AMERICAN CIVIL LIBERTIES UNION OF
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and CORA SANCHEZ,

Counterclaim Defendants.

Civil No. 19-1-0057-01 JHA
(Declaratory and Injunctive Relief)

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served on the following parties listed below by electronic service through the JEFS E-Filing System:

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DATED: Honolulu, Hawai'i, October 13, 2020.

/s/ Thomas M. Otake

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HAWAI'I FOUNDATION

NOTICE OF ELECTRONIC FILING

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Case ID: 1CC191000057

Title: SAVE SHARKS COVE ALLIANCE VS C & C OF HONOLULU

Filing Date / Time: TUESDAY, OCTOBER 13, 2020 12:03:36 PM

Filing Parties: AMERICAN CIVIL LIBERTIES UNION OF HAWAII FOUNDATION

Case Type: Circuit Court Civil

Lead Document(s):

Supporting Document(s): 146-Motion for _____

Document Name: 146-AMICUS CURIAE THE AMERICAN CIVIL LIBERTIES UNION OF HAWAII FOUNDATION'S MOTION FOR LEAVE TO FILE AMICUS BRIEF IN SUPPORT OF COUNTERCLAIM DEFENDANTS' JOINT RENEWED MOTION FOR JUDGMENT ON THE PLEADINGS; DECLARATION OF COUNSEL; EXHIBIT A; AND CERTIFICATE OF SERVICE

If the filing noted above includes a document, this Notice of Electronic Filing is service of the document under the Hawai'i Electronic Filing and Service Rules.

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The following parties need to be conventionally served:

ALL PARTIES-RE DOCKET ONLY-NOT PARTY RE SERVICE REQUIREMENT
