

WILLIAM S. HUNT 1259-0
JENNY J.N.A. NAKAMOTO 9780-0

DENTONS US LLP
1001 Bishop Street, Suite 1800
Honolulu, Hawai`i 96813
Telephone: (808) 524-1800
Facsimile: (808) 524-4591
E-mail: bill.hunt@dentons.com
jenny.nakamoto@dentons.com

Electronically Filed
FIRST CIRCUIT
1CCV-20-0000390
20-APR-2022
03:44 PM
Dkt. 382 FNW

JOEL M. TAYLOR (Admitted *Pro Hac Vice*)
1000 Watchtower Drive
Patterson, New York 12563
Telephone: (845) 306-0700
Email: jmtaylor@jw.org

Attorneys for Defendants/Crossclaimants
MAKAHA CONGREGATION OF JEHOVAH'S
WITNESSES, HAWAII and WATCHTOWER BIBLE
AND TRACT SOCIETY OF NEW YORK, INC.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

N.D.,

Plaintiff,

vs.

MAKAHA, HAWAII CONGREGATION OF
JEHOVAH'S WITNESSES, a Hawaii
non-profit unincorporated religious
organization, a.k.a. MAKAHA
CONGREGATION OF JEHOVAH'S
WITNESSES and KINGDOM HALL,
MAKAHA CONGREGATION OF
JEHOVAH'S WITNESSES;
WATCHTOWER BIBLE AND TRACT
SOCIETY OF NEW YORK, INC., a New
York corporation; KENNETH L. APANA,
Individually; and Does 1 through 100,
inclusive,

Defendants.

Civil No. 1CCV-20-0000390
(Other Non-Vehicle Tort)

DEFENDANTS/CROSSCLAIMANTS
MAKAHA CONGREGATION OF
JEHOVAH'S WITNESSES, HAWAII and
WATCHTOWER BIBLE AND TRACT
SOCIETY OF NEW YORK, INC.'S
FINAL NAMING OF WITNESSES;
CERTIFICATE OF SERVICE

JUDGE: Honorable Dean E. Ochiai
TRIAL: June 20, 2022

MAKAHA, HAWAII CONGREGATION OF JEHOVAH'S WITNESSES, a Hawaii non-profit unincorporated religious organization, a.k.a. MAKAHA CONGREGATION OF JEHOVAH'S WITNESSES and KINGDOM HALL, MAKAHA CONGREGATION OF JEHOVAH'S WITNESSES; and WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC., a New York corporation,

Crossclaimants,

vs.

KENNETH L. APANA, Individually,

Crossclaim Defendant.

DEFENDANTS/CROSSCLAIMANTS MAKAHA CONGREGATION OF JEHOVAH'S WITNESSES, HAWAII and WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC.'S FINAL NAMING OF WITNESSES

Defendants/Crossclaimants MAKAHA CONGREGATION OF JEHOVAH'S WITNESSES, HAWAII ("**Makaha**") and WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC. ("**Watchtower**", together with Makaha, the "**Religious Defendants**"), by and through their attorneys, hereby submit their Final Naming of Witnesses pursuant to Rule 12(1) of the Rules of the Circuit Courts of the State of Hawai'i.

Religious Defendants may call the following witnesses, both non-expert and expert.

A. NON-EXPERT WITNESSES

Religious Defendants reserve the right to call the following non-expert witnesses to testify in trial. Treating physicians and other medical professionals may testify as both fact

witnesses and expert witnesses to the extent allowed and as their testimony has been set forth in their depositions.

	Witness	Testimony
1.	<p>Plaintiff N.D. c/o Davis Levin Livingston 851 Fort Street, Suite 400 Honolulu, HI 96813 and c/o Law Offices of James S. Rogers 1500 Fourth Avenue, Suite 500 Seattle, WA 98101</p>	<p>Plaintiff is expected to testify as to all matters at issue in this litigation, including, but not limited to the allegations contained in the Complaint.</p>
2.	<p>HRCF Rule 30(b)(6) designee(s) of Watchtower Bible and Tract Society of New York, Inc. (“Watchtower”) including but not limited to: Thomas Jefferson, Jr. Mario F. Moreno Philip Brumley c/o Dentons US LLP 1001 Bishop Street, Suite 1800 Honolulu, HI 96813 and 1000 Watchtower Drive Patterson, NY 12563</p>	<p>HRCF Rule 30(b)(6) designee(s) of Watchtower is expected to testify as to all matters at issue in this litigation, including, but not limited to the allegations contained in the Complaint.</p>
3.	<p>Designated representative(s)/Custodian of Records for Watchtower c/o Dentons US LLP Suite 1800, ASB Tower 1001 Bishop Street Honolulu, HI 96813 and 1000 Watchtower Drive Patterson, NY 12563</p>	<p>Designated representative(s)/Custodian of Records for Watchtower is expected to testify to all matters at issue in this litigation, including, but not limited to, documents Watchtower produced in this action.</p>

	Witness	Testimony
4.	<p>HRCP Rule 30(b)(6) designee(s) of Makaha, Hawai'i Congregation of Jehovah's Witnesses, aka Makaha Congregation of Jehovah's Witnesses and Kingdom Hall, Makaha Congregation of Jehovah's Witnesses ("Makaha Congregation") including but not limited to:</p> <p>Philip Main Lester Walker c/o Dentons US LLP 1001 Bishop Street, Suite 1800 Honolulu, HI 96813 and 1000 Watchtower Drive Patterson, NY 12563</p>	<p>HRCP Rule 30(b)(6) designee(s) of Makaha Congregation is expected to testify as to as to all matters at issue in this litigation, including, but not limited to the allegations contained in the Complaint.</p>
5.	<p>Designated representative(s)/Custodian of Records for Makaha Congregation c/o Dentons US LLP 1001 Bishop Street, Suite 1800 Honolulu, HI 96813 and 1000 Watchtower Drive Patterson, NY 12563</p>	<p>Designated representative(s)/Custodian of Records for Makaha Congregation is expected to testify to all matters at issue in this litigation, including, but not limited to, documents the Makaha Congregation produced in this action.</p>
6.	<p>HRCP Rule 30(b)(6) designee(s) of Christian Congregation of Jehovah's Witnesses ("CCJW") c/o Dentons US LLP 1001 Bishop Street, Suite 1800 Honolulu, HI 96813 and 1000 Watchtower Drive Patterson, NY 12563</p>	<p>HRCP Rule 30(b)(6) designee(s) of CCJW is expected to testify as to as to all matters at issue in this litigation, including, but not limited to the allegations contained in the Complaint.</p>

	Witness	Testimony
7.	Designated representative(s)/Custodian of Records for CCJW c/o Dentons US LLP Suite 1800, ASB Tower 1001 Bishop Street Honolulu, HI 96813 and 1000 Watchtower Drive Patterson, NY 12563	Designated representative(s)/Custodian of Records for CCJW is expected to testify to all matters at issue in this litigation, including, but not limited to, documents produced on behalf of CCJW in this action.
8.	Sharon Miyake c/o Davis Levin Livingston 851 Fort Street, Suite 400 Honolulu, HI 96813	Ms. Miyake is expected to testify as to all matters at issue in this litigation, including, but not limited to the allegations contained in the Complaint.
9.	Milton Miyake c/o Davis Levin Livingston 851 Fort Street, Suite 400 Honolulu, HI 96813	Mr. Miyake is expected to testify as to all matters at issue in this litigation, including, but not limited to the allegations contained in the Complaint.
10.	Harriet Cuarisma 84570 Manuku Street Waianae, HI 96793	Ms. Cuarisma is expected to testify as to all matters at issue in this litigation, including, but not limited to the allegations contained in the Complaint.
11.	S.K. (f/k/a S.A.) 1632 Stillman Lane, #A2 Honolulu, HI 96817	S.K. is expected to testify as to matters related to her relationship with Plaintiff and sleepovers at Defendant Apana's home.
12.	Sabrina Graciidis 73-4339 Papaana Place Kailua-Kona, HI 96740	Ms. Graciidis is expected to testify as to matters related to her relationship with Plaintiff and sleepovers at Defendant Apana's home.
13.	Defendant Kenneth Apana P.O. Box 331 Kona, HI 96745	Defendant Kenneth Apana is expected to testify as to all matters at issue in this litigation, including, but not limited to the allegations contained in the Complaint.

	Witness	Testimony
14.	Margaret Kitchell, MD c/o Compass Health 4526 Federal Everett, WA 98203	Dr. Kitchell is expected to testify as to Plaintiff's mental health history and the costs of the treatment provided to Plaintiff.
15.	Carole H. Crew, MA LMFT, CMHS c/o Compass Health 4526 Federal Everett, WA 98203	Ms. Crew is expected to testify as to Plaintiff's mental health history and the costs of the treatment provided to Plaintiff.
16.	Gayle M. Forslund, MSW, LSW, CMHS c/o Compass Health 4526 Federal Everett, WA 98203	Ms. Forslund is expected to testify as to Plaintiff's mental health history and the costs of the treatment provided to Plaintiff.
17.	Carolyn Freed, MD Contact information unknown	Dr. Freed is expected to testify as to Plaintiff's mental health history and the costs of the treatment provided to Plaintiff.
18.	Jessica Webb, ARNP c/o Western Washington Medical Group Lake Serene Clinic 3501 Shelby Rd., Suite B Lynnwood, WA 98087	Ms. Webb is expected to testify as to Plaintiff's mental health history and the costs of the treatment provided to Plaintiff.
19.	Gregory Lind, ARNP c/o Western Washington Medical Group Lake Serene Clinic 3501 Shelby Rd., Suite B Lynnwood, WA 98087	Mr. Lind is expected to testify as to Plaintiff's mental health history and the costs of the treatment provided to Plaintiff.
20.	Kristi Farrell, ARNP c/o Western Washington Medical Group Lake Serene Clinic 3501 Shelby Rd., Suite B Lynnwood, WA 98087	Ms. Farrell is expected to testify as to Plaintiff's mental health history and the costs of the treatment provided to Plaintiff.
21.	Malika Bains, LMHC Roanoke Park Counseling 2601 Broadway East Seattle, WA 98102	Ms. Bains is expected to testify as to Plaintiff's mental health history and the costs of the treatment provided to Plaintiff.

	Witness	Testimony
22.	Marcia Herivel, LICSW Roanoke Park Counseling 2601 Broadway East Seattle, WA 98102	Ms. Herivel is expected to testify as to Plaintiff's mental health history and the costs of the treatment provided to Plaintiff.
23.	Karen Gunther, MD c/o Swedish Hospital, First Hill 747 Broadway Seattle, WA 98122	Dr. Gunther is expected to testify as to Plaintiff's mental health history and the costs of the treatment provided to Plaintiff.
24.	John Bruels, MSW c/o Swedish Hospital, First Hill 747 Broadway Seattle, WA 98122	Mr. Bruels is expected to testify as to Plaintiff's mental health history and the costs of the treatment provided to Plaintiff.
25.	Sophia Bixler, RN c/o Swedish Hospital, First Hill 747 Broadway Seattle, WA 98122	Ms. Bixler is expected to testify as to Plaintiff's mental health history and the costs of the treatment provided to Plaintiff.
26.	Stephanie Newton, RN c/o Swedish Hospital, First Hill 747 Broadway Seattle, WA 98122	Ms. Newton is expected to testify as to Plaintiff's mental health history and the costs of the treatment provided to Plaintiff.
27.	Rachel Hollister, MD Edmonds Family Medicine 7315 212th St. SW #203 Edmonds, WA 98026	Dr. Hollister is expected to testify as to Plaintiff's mental health history and the costs of the treatment provided to Plaintiff.
28.	Karin O. Rogers, MCMSW Sound Mental Health 14720 NE 21 st Street Bellevue, WA 98007	Ms. Rogers is expected to testify as to Plaintiff's mental health history and the costs of the treatment provided to Plaintiff.
29.	Custodian of Records for Compass Health 3322 Broadway Everett, WA 98201	Designated Custodian of Records for Compass Health is expected to testify to all matters at issue in this litigation, including, but not limited to, documents Compass Health produced in this action.

	Witness	Testimony
30.	Custodian of Records for Carolyn Freed, MD Contact information unknown	Designated Custodian of Records for Dr. Freed is expected to testify to all matters at issue in this litigation, including, but not limited to, documents Dr. Freed produced in this action.
31.	Custodian of Records for Western Washington Medical Group Lake Serene Clinic 3501 Shelby Rd., Suite B Lynnwood, WA 98087	Designated Custodian of Records for Western Washington Medical Group is expected to testify to all matters at issue in this litigation, including, but not limited to, documents Western Washington Medical Group produced in this action.
32.	Custodian of Records for Roanoke Park Counseling 2601 Broadway East Seattle, WA 98102	Designated Custodian of Records for Roanoke Park Counseling is expected to testify to all matters at issue in this litigation, including, but not limited to, documents Roanoke Park Counseling produced in this action.
33.	Custodian of Records for Swedish Hospital, First Hill 747 Broadway Seattle, WA 98122	Designated Custodian of Records for Swedish Hospital, First Hill is expected to testify to all matters at issue in this litigation, including, but not limited to, documents Swedish Hospital, First Hill produced in this action.
34.	Custodian of Records for Edmonds Family Medicine 7315 212th St. SW #203 Edmonds, WA 98026	Designated Custodian of Records for Edmonds Family Medicine is expected to testify to all matters at issue in this litigation, including, but not limited to, documents Edmonds Family Medicine produced in this action.

	Witness	Testimony
35.	Custodian of Records for Sound Mental Health 14720 NE 21 st Street Bellevue, WA 98007	Designated Custodian of Records for Sound Mental Health is expected to testify to all matters at issue in this litigation, including, but not limited to, documents Sound Mental Health produced in this action.

B. EXPERT WITNESSES

Religious Defendants may call the following expert witnesses at trial:

	Witness	Testimony
1.	Renee Bibeault, M.D. 11415 N.E.128 th Street, Suite 100 Kirkland, WA 98034	Dr. Bibeault is expected to testify as to the standard of care and facts relevant to the claims and defenses asserted in this action. She will testify regarding her opinions set forth in her report.
2.	Brett G. Scharffs 530 JRCB, BYU Law School Provo, Utah 84602	Mr. Scharffs is expected to testify as to the facts relevant to the claims and defenses asserted in this action. He will testify regarding his opinions set forth in his report.

RESERVATIONS AS TO ADDITIONAL WITNESSES

Religious Defendants reserve the right to identify and/or call at trial any lay and expert witnesses identified by any other party or listed in any other party’s final naming of witnesses, pretrial statement, responsive pretrial statement, interrogatory answers, depositions, witness list, and any amendments or supplements thereto.

Religious Defendants reserve the right to call any witness who has been deposed in this case via designation of deposition testimony for use at trial, including testimony from Plaintiff’s lay and purported expert witnesses.

Religious Defendants reserve the right to further amend this Final Naming of Witnesses and to add other lay and expert witnesses as they become known further through discovery and/or investigation.

Religious Defendants reserve the right to name any custodian of records and rebuttal witnesses of any and all records subpoenaed and/or otherwise produced during discovery in this case.

Religious Defendants also reserve the right to identify and/or call at trial any expert witnesses identified by any other party in this case, whether said party is still a party at the time of trial.

Religious Defendants reserve the right to identify and/or call at trial any and all impeachment and/or rebuttal witnesses, as necessary.

Religious Defendants also reserve the right to identify and/or call at trial any additional witnesses including, but not limited to, expert witnesses which they deem necessary based upon ongoing discovery.

Religious Defendants reserve the right to call foundational witnesses for Plaintiff's medical records.

DATED: Honolulu, Hawai'i, April 20, 2022.

/s/ Jenny J.N.A. Nakamoto
WILLIAM S. HUNT
JENNY J.N.A. NAKAMOTO

Attorneys for Defendants/Crossclaimants
MAKAHA CONGREGATION OF JEHOVAH'S
WITNESSES, HAWAII and WATCHTOWER
BIBLE AND TRACT SOCIETY OF NEW
YORK, INC.

CERTIFICATE OF SERVICE

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

MARK S. DAVIS, ESQ.	mdavis@davislevin.com
LORETTA A. SHEEHAN, ESQ.	lsheehan@davislevin.com
MATTHEW WINTER, ESQ.	mwinter@davislevin.com

The undersigned further certifies that on this date the foregoing document was served on the following parties listed below by U.S. mail, postage prepaid:

JAMES S. ROGERS, ESQ.	<i>(Pro Hac Vice Approved)</i>
LAW OFFICES OF JAMES S. ROGERS	
1500 Fourth Avenue, Suite 500	
Seattle, WA 98101	

Attorney for Plaintiff

KENNETH L. APANA
P.O. BOX 331
KONA, HI 96745

Pro Se Defendant/Crossclaim Defendant

DATED: Honolulu, Hawai`i, April 20, 2022.

/s/ Jenny J.N.A. Nakamoto
WILLIAM S. HUNT
JENNY J.N.A. NAKAMOTO

Attorneys for Defendants/Crossclaimants
MAKAHA CONGREGATION OF JEHOVAH'S
WITNESSES, HAWAII and WATCHTOWER BIBLE
AND TRACT SOCIETY OF NEW YORK, INC.