

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

Electronically Filed
FIRST CIRCUIT
1CCV-20-0000390
18-APR-2022
06:47 PM
Dkt. 366 DEC

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.

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.

Civil No. 1CCV-20-0000390-020
(OTHER NON-VEHICLE TORT)

**DECLARATION OF
WILLIAM S. HUNT**

DECLARATION OF WILLIAM S. HUNT

I, William S. Hunt, declare under penalty of law that the following is true and correct:

1. I am an attorney with the law firm of Dentons US LLP and an attorney of record for Defendants 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").
2. I make this declaration based on my personal knowledge and am competent to testify as to the matters set forth herein.
3. This Declaration is made in support of the Religious Defendants' Opposition to Plaintiff's Rule 37 Motion to Hold the Defendants in Contempt for Failure to Comply with the Court's Order and for the Imposition of Sanctions Including the Entry of Judgment on the Issue of Liability Pursuant to Rule 37(B)(2)(B) and for the Additional Sanction of Revocation of Pro Hac Vice Status of Joel Taylor, filed April 5, 2022 [Doc. 333].
4. Attached hereto [sealed] as Exhibit "A" is a true and correct copy of Plaintiff's Motion to Compel Documents from Defendants Watchtower Bible and Tract Society of New York, Inc. and Makaha, Hawaii Congregation of Jehovah's Witnesses., a.k.a. Makaha Congregation of Jehovah's Witnesses and Kingdom Hall, Makaha Jehovah's Witnesses'; Memorandum in Support of Motion; Declaration of Matthew C. Winter; Exhibits 1-11; Notice of Remote Hearing and Certificate of Service, filed under seal on November 23, 2021 [Doc. 251] ("Plaintiff's Motion to Compel").
5. Attached hereto as Exhibit "B" is a true and correct copy of the Order Granting Plaintiff's Motion to Compel Documents from Defendants Watchtower Bible and Tract Society of New York, Inc. and Makaha, Hawaii Congregation of Jehovah's Witnesses, a.k.a. Makaha Congregation of Jehovah's Witnesses and Kingdom Hall, Makaha Jehovah's Witnesses, entered March 30, 2022 [Doc. 319] ("Order").
6. Attached hereto [sealed] as Exhibit "C" is a true and correct copy of the document identified as WTNY-C 000012, unredacted, except for a portion of a sentence, which is redacted, due to the assertion of the attorney-client privilege ("Attorney-Client Redacted Document").

7. On or about March 8, 2022, I made the final decision to produce the Attorney-Client Redacted Document, unredacted, except for a portion of a sentence, which is redacted based on the attorney-client privilege.

8. On or about March 31, 2022, I received a telephone call from Mark Davis. During the call we briefly discussed the one redaction on WTNy-C 000012. I reminded Mr. Davis that Plaintiff's Motion to Compel only challenged redactions made on the basis of the clergy privilege and that only remaining redaction was based on the attorney-client privilege. Mr. Davis did not ask, and we did not discuss, who made the final decision to keep in the attorney-client redaction. If he had asked, I would have told him the decision was mine and that it was based upon the arguments presented to the Court, the subject matter briefed in Plaintiff's Motion to Compel, and the Order.

9. Mr. Davis did not inform me he was contemplating filing a motion for sanctions. During the call, I told him I would review the Motion to Compel to confirm my recollection and be back in touch. As promised, I sent Mr. Davis an email the same day, attached hereto as Exhibit "D", in which I again stated that since the Motion to Compel did not challenge the attorney-client privilege redaction, the remaining redaction of a portion of one sentence that referred to advice from the legal department was appropriate. Mr. Davis simply replied that he understood my position; he did not dispute this position or state that he intended to file a motion for sanctions.

10. Attached hereto as Exhibit "E" is a true and correct copy of the hearing minutes for the January 19, 2022 hearing for Plaintiff's Motion to Compel taken from the State of Hawai'i Judiciary Electronic Filing and Service System ("JEFS") website for the above captioned matter at <https://jimspss1.courts.state.hi.us/JIMSEExternal/manage-cases.iface>, last visited on April 18, 2022.

11. Attached hereto as Exhibit "F" is a true and correct copy of the hearing minutes for the March 7, 2022 continued hearing for Plaintiff's Motion to Compel taken from the JEFS website for the above captioned matter at <https://jimspss1.courts.state.hi.us/JIMSEExternal/manage-cases.iface>, last visited on April 18, 2022.

12. Pursuant to Hawai'i Rules of Appellate Procedure Rule 35, attached hereto is a true and correct copy of the unpublished decision *Martin v. C. Brewer & Co., Ltd.*, 129 Hawai'i 106, 2013 WL 639320 (App. 2013).

13. The letter dated October 10, 2002 (“October 2002 Letter”) from a non-party Australian corporation, written to elders in Australia, attached as part of Exhibit A to Plaintiff’s Rule 37 Motion to Hold the Defendants in Contempt for Failure to Comply with the Court’s Order and for the Imposition of Sanctions Including the Entry of Judgment on the Issue of Liability Pursuant to Rule 37(B)(2)(B) and for the Additional Sanction of Revocation of Pro Hac Vice Status of Joel Taylor, filed April 5, 2022 [Doc. 333] (“Motion”) was not produced by the Religious Defendants in this action.

14. The letter dated April 9, 2012 from non-party Christian Congregation of Jehovah’s Witnesses, attached as part of Exhibit A to the Motion was not produced by the Religious Defendants in this action.

15. Attached hereto as Exhibit “G” is a true and correct copy of the transcript of the January 19, 2022 hearing for Plaintiff’s Motion to Compel.

16. Attached hereto as Exhibit “H” is a true and correct copy of the transcript of the March 7, 2022 continued hearing for Plaintiff’s Motion to Compel.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Honolulu, Hawai`i, on April 18, 2022.

/s/ William S. Hunt
William S. Hunt