

**U.S. District Court  
District of Hawaii (Hawaii)  
CIVIL DOCKET FOR CASE #: 1:98-cv-00997-DAE -KSC**

Makin, et al v. Hawaii, State of, et al  
Assigned to: JUDGE DAVID ALAN EZRA  
Referred to: JUDGE KEVIN S.C. CHANG  
Demand: \$0  
Cause: 20:1401 Education: Handicapped Child Act

Date Filed: 12/21/1998  
Date Terminated: 09/04/2001  
Jury Demand: Both  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Janet Makin**

*by and through their mother and next  
friend*

*next friend*

Elizabeth Russell

represented by **Matthew C. Bassett**  
Hawaii Disability Rights Center  
900 Fort St. Mall Ste. 1040  
Honolulu, HI 96813-3701  
808 876-0529  
Fax: 808 876-1489  
Email: [mattbassettesq@gmail.com](mailto:mattbassettesq@gmail.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Michael G.M. Ostendorp**

Pacific Justice Center

P.O. Box 4317

Honolulu, HI 96812

531-5655

Email: [michaelostendorp@gmail.com](mailto:michaelostendorp@gmail.com)

**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

**Rory S. Toomey**

1164 Bishop Street Suite 1501

Honolulu, HI 96813

533-7162

**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Robert Mullen**

*by and through their mother and next  
friend*

*TERMINATED: 02/26/1999*

*next friend*

Elizabeth Russell

represented by **Matthew C. Bassett**  
(See above for address)  
**TERMINATED: 02/26/1999**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Brandon Delacruz**

*by and through his mother and next friend  
next friend*

Charlotte Idao

represented by **Matthew C. Bassett**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Michael G.M. Ostendorp**

(See above for address)

**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

**Rory S. Toomey**

(See above for address)

**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Barbara Thai**

*by and through her sister and next friend  
next friend  
Thoa Thai*

represented by **Matthew C. Bassett**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Michael G.M. Ostendorp**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Rory S. Toomey**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Plaintiff**

**Jeffrey Stubbs**

*by and through his mother and next friend  
Marilyn Stubbs, on behalf of themselves  
and all other similarly situated persons  
next friend  
Marilyn Stubbs*

represented by **Matthew C. Bassett**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Michael G.M. Ostendorp**  
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*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Rory S. Toomey**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Plaintiff**

**Kahua Ho'omalua Kina Inc.**

*doing business as  
Protection & Advocacy Agency of  
Hawaii, The*

represented by **Matthew C. Bassett**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Michael G.M. Ostendorp**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Rory S. Toomey**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Plaintiff**

**Robert Mullan**

*by and through their mother and next  
friend  
next friend  
Elizabeth Russell  
also known as  
Robin Mullan*

represented by **Matthew C. Bassett**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Michael G.M. Ostendorp**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Rory S. Toomey**  
(See above for address)  
*LEAD ATTORNEY*

ATTORNEY TO BE NOTICED

V.

**Defendant**

**Hawaii, State of**

represented by **Laurence K. Lau**  
Office of the Attorney General–State of  
Hawaii  
Kekuanao'a Building  
465 S King St Rm 200  
Honolulu, HI 96813  
587–3050  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Marlene Q.F. Young**  
Office of the Attorney General–State of  
Hawaii  
Kekuanao'a Building  
465 S King St Room B–2  
Honolulu, HI 96813  
586–8370  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Benjamin Cayetano**

*in his capacity as Governor of the State of  
Hawai'i*

represented by **Laurence K. Lau**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Marlene Q.F. Young**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Susan M. Chandler**

*in her capacity as Director of the  
Department of Human Services of the  
State of Hawai'i*

represented by **Laurence K. Lau**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Marlene Q.F. Young**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Bruce Anderson**

*in his capacity as Director of the  
Department of Health of the State of  
Hawai'i*

represented by **Laurence K. Lau**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Marlene Q.F. Young**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Patricia Heu**

*individually and in her capacity as Chief*

*of Developmental Disabilities Division of  
the State of Hawai'i  
TERMINATED: 02/26/1999*

**Defendant**

**Charles Duarte**  
*in his capacity as Med-Quest Division  
Administrator, Department of Human  
Services of the State of Hawai'i*

represented by **Laurence K. Lau**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Marlene Q.F. Young**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**John Does 1-10**

**Defendant**

**Jane Does 1-10**

**Defendant**

**Doe Partnerships 1-10**

**Defendant**

**Doe Corporations 1-10**

**Defendant**

**Other Doe Entities 1-10**

**Defendant**

**Stan Yee**  
*in his capacity as Chief of Developmental  
Disabilities Division, Department of  
Health of the State of Hawai'i  
TERMINATED: 02/04/2000*

represented by **Laurence K. Lau**  
(See above for address)  
**TERMINATED: 02/04/2000**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Marlene Q.F. Young**  
(See above for address)  
**TERMINATED: 02/04/2000**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Virginia Pressler**  
*in her capacity as Deputy Director of  
Health Resources Administration,  
Department of Health of the State of  
Hawai'i*

represented by **Laurence K. Lau**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Marlene Q.F. Young**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Pat Snyder**  
*in her capacity as Administrator of the  
Social Service Division of the Department  
of Human Services of the State of Hawai'i*

represented by **Laurence K. Lau**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Marlene Q.F. Young**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Anita Anita Yuskauskas, Ph.D.**  
 Chief of the Developmental Disabilities  
 Division

represented by **Laurence K. Lau**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
12/21/1998	1	COMPLAINT; demand for jury trial; summons (issued) (lmg) (Entered: 12/28/1998)
12/21/1998	2	ORDER by Judge David A. Ezra rule 16 pretrial conference set for 8:30 3/29/99 before Mag Judge Francis I. Yamashita (lmg) (Entered: 12/28/1998)
12/21/1998		FILING FEE PAID \$150.00 receipt #184869 (lmg) (Entered: 12/28/1998)
12/22/1998	3	RETURN OF SERVICE executed upon defendant Charles Duarte on 12/22/98 (tbf) (Entered: 12/29/1998)
12/22/1998	4	RETURN OF SERVICE executed upon defendant Susan M. Chandler thru Shirley Y. Higa on 12/22/98 (tbf) (Entered: 12/29/1998)
12/22/1998	5	RETURN OF SERVICE executed upon defendant Patricia Heu on 12/22/98 (tbf) (Entered: 12/29/1998)
12/22/1998	6	RETURN OF SERVICE executed upon defendant Bruce Anderson thru Gerry Makaiiau on 12/22/98 (tbf) (Entered: 12/29/1998)
12/22/1998	7	RETURN OF SERVICE executed upon defendant Benjamin Cayetano thru Stanford J. Nagatani executive asst on 12/22/98 (tbf) (Entered: 12/29/1998)
12/22/1998	8	RETURN OF SERVICE executed upon defendant Hawaii, State of thru George S.S. Hom deputy atty general on 12/22/98 (tbf) (Entered: 12/29/1998)
12/22/1998	9	RETURN OF SERVICE executed upon defendant Benjamin Cayetano in his individual capacity thru George S.S. Hom deputy atty general on 12/22/98 (tbf) (Entered: 12/29/1998)
12/22/1998	10	RETURN OF SERVICE executed upon defendant Susan M. Chandler in her individual capacity thru George S.S. Hom deputy atty general on 12/22/98 (tbf) (Entered: 12/29/1998)
12/22/1998	11	RETURN OF SERVICE executed upon defendant Bruce Anderson in his individual capacity thru George S.S. Hom deputy atty general on 12/22/98 (tbf) (Entered: 12/29/1998)
12/22/1998	12	RETURN OF SERVICE executed upon defendant Patricia Heu in her individual capacity thru George S.S. Hom deputy atty general on 12/22/98 (tbf) (Entered: 12/29/1998)
12/22/1998	13	RETURN OF SERVICE executed upon defendant Charles Duarte in his individual capacity thru George S.S. Hom, deputy atty general on 12/22/98 (tbf) (Entered: 12/29/1998)
01/11/1999	14	STIPULATION to extend for filing a response ; ORDER – [time for defts to file response extended from 01/11/99 up to and incl 01/25/99] – by Judge David A. Ezra – on behalf of deft State of HI (fe) (Entered: 01/19/1999)
01/20/1999	15	Second STIPULATION to extend time for filing a response ; ORDER – [time for defts to file resp to pltfs' compl extended from 01/25/99 up to &incl 02/15/99] – by Judge David A. Ezra – on behalf of deft (fe) (Entered: 01/29/1999)

02/12/1999	16	Third STIPULATION to extend time for filing a response – [time for defts to file response to pltf's' compl ext from 02/15/99 up to &incl 03/05/99, or 2 wks after filing of pltf's' amd compl, whichever is later] – by Judge David A. Ezra – on behalf of defts (fe) (Entered: 02/16/1999)
02/26/1999	17	FIRST AMENDED COMPLAINT [1–1] for declaratory and injunctive relief by plaintiff Janet Makin, plaintiff Robert Mullen, plaintiff Brandon Delacruz, plaintiff Thai, plaintiff Jeffrey Stubbs, plaintiff Kahua Ho'omalua Kina; demand for jury trial; summons (issued) – [terminating plaintiff Robert Mullen, defendant Patricia Heu; adding Robert Mullan, Stan Yee, Virginia Pressler, Pat Snyder] (fe) (Entered: 03/01/1999)
03/12/1999	18	REPORT OF PARTIES Rule 26(f) PLANNING MEETING by defendant Hawaii, State of (fe) (Entered: 03/15/1999)
03/12/1999	19	First STIPULATION to extend time to respond to first amended complaint – [time for defts to file response to pltf's' first amd compl extended up to &incl 03/31/99] – by Judge David A. Ezra – on behalf of defts (fe) (Entered: 03/15/1999)
03/16/1999	20	REPORT OF PARTIES Rule 26(f) PLANNING MEETING by defendant Hawaii, State of, defendant Benjamin Cayetano, defendant Susan M. Chandler, defendant Bruce Anderson, defendant Charles Duarte, defendant Stan Yee, defendant Virginia Pressler, defendant Pat Snyder (fe) (Entered: 03/18/1999)
03/18/1999	21	RETURN OF SERVICE executed upon defendant Hawaii, State of thru Charles F. Fell, Deputy Attorney General, on 3/12/99 (fe) (Entered: 03/19/1999)
03/18/1999	22	RETURN OF SERVICE executed upon defendant Pat Snyder thru Celia Revilla on 3/11/99 (fe) (Entered: 03/19/1999)
03/18/1999	23	RETURN OF SERVICE executed upon defendant Pat Snyder thru Charles F. Fell, Deputy Attorney General, on 3/12/99 (fe) (Entered: 03/19/1999)
03/18/1999	24	RETURN OF SERVICE executed upon defendant Virginia Pressler thru Charles F. Fell, Deputy Attorney General, on 3/12/99 (fe) (Entered: 03/19/1999)
03/18/1999	25	RETURN OF SERVICE executed upon defendant Stan Yee thru Charles F. Fell, Deputy Attorney General, on 3/12/99 (fe) (Entered: 03/19/1999)
03/18/1999	26	RETURN OF SERVICE executed upon defendant Benjamin Cayetano thru Mayanne Ching on 3/11/99 (fe) (Entered: 03/19/1999)
03/18/1999	27	RETURN OF SERVICE executed upon defendant Virginia Pressler thru Carol Y. Sakai, Secretary, on 3/11/99 (fe) (Entered: 03/19/1999)
03/18/1999	28	RETURN OF SERVICE executed upon defendant Bruce Anderson thru Laurenia T. Chun, Secretary, on 3/11/99 (fe) (Entered: 03/19/1999)
03/18/1999	29	RETURN OF SERVICE executed upon defendant Stan Yee thru Vivian R. Teiton, Secretary, on 3/11/99 (fe) (Entered: 03/19/1999)
03/18/1999	30	RETURN OF SERVICE executed upon defendant Susan M. Chandler thru Geraldine R. Aranaydo, Secretary, on 3/11/99 (fe) (Entered: 03/19/1999)
03/18/1999	31	RETURN OF SERVICE executed upon defendant Charles Duarte thru Dolores Pancel, Clerk Typist, on 3/11/99 (fe) (Entered: 03/19/1999)
03/22/1999	32	SCHEDULING CONFERENCE STATEMENT by plaintiff Janet Makin, plaintiff Brandon Delacruz, plaintiff Barbara Thai, plaintiff Jeffrey Stubbs, plaintiff Kahua Ho'omalua Kina; certificate of service (fe) (Entered: 03/24/1999)
03/22/1999	33	SCHEDULING CONFERENCE STATEMENT by defendant Hawaii, State of, defendant Benjamin Cayetano, defendant Susan M. Chandler, defendant Bruce Anderson, defendant Charles Duarte, defendant Stan Yee, defendant Virginia Pressler, defendant Pat Snyder; certificate of service (fe) (Entered: 03/24/1999)
03/29/1999	34	EP : rule 16 pt conference held on 8:30 3/29/99 before Mag Judge Francis I. Yamashita ; Jury Trial set for 9:00 2/29/00 before Judge David A. Ezra ; final pretrial conference set for 8:30 1/27/00 before Mag Judge Francis Yamashita ; final pretrial statements due 1/20/00; file motion to join additional parties/amend

		pleadings by 8/24/99; Motion filing ddl set for 11/1/99; follow discovery plan as required by frcp 26(f); initial disclosures by 7/20/99; expert witness disclosure: plaintiffs-10/12/99, defendants-11/9/99; discovery ddl set for 1/4/00 ; settlement conference set 2:00 10/13/99 before Mag Judge Francis I. Yamashita , plaintiff's demand-9/13/99, defendant's offer-9/20/99, settlement conference stmts due 10/6/99 ( Ct Rptr : no record) JUDGE Mag Judge Francis I. Yamashita (wnn) (Entered: 04/05/1999)
03/30/1999	35	REPORT of SCHEDULING CONFERENCE and ORDER Mag Judge Francis I. Yamashita (wnn) (Entered: 04/05/1999)
03/31/1999	36	ANSWER by defendant Hawaii, State of, defendant Benjamin Cayetano, defendant Susan M. Chandler, defendant Bruce Anderson, defendant Stan Yee, defendant Virginia Pressler, defendant Charles Duarte, defendant Pat Snyder to first amended complaint filed 2/26/99 [17-1]; certificate of service (wnn) (Entered: 04/05/1999)
04/08/1999	37	EO : discovery conference has been set for 8:30 4/16/99 before Mag Judge Francis I. Yamashita ; Larry Lau to notify parties ( Ct Rptr : ) JUDGE Mag Judge Francis I. Yamashita (fe) (Entered: 04/13/1999)
04/16/1999	38	EP : discovery conference held 4/16/99 before Mag Judge Francis I. Yamashita – discovery plan will be submitted for justification to extend trial dates ( Ct Rptr : No Record) JUDGE Mag Judge Francis I. Yamashita (fe) (Entered: 04/20/1999)
05/07/1999	39	CERTIFICATE of service (afc) (Entered: 05/09/1999)
05/07/1999	40	CERTIFICATE of service (afc) (Entered: 05/09/1999)
05/07/1999	41	CERTIFICATE of service (afc) (Entered: 05/09/1999)
05/19/1999	42	INITIAL DISCLOSURE under LR26.1(a)(1); exhibits A and B; certificate of service – by defendant Hawaii, State of (afc) (Entered: 05/21/1999)
05/21/1999	43	CERTIFICATE of service (afc) (Entered: 05/23/1999)
05/21/1999	44	CERTIFICATE of service (afc) (Entered: 05/23/1999)
05/21/1999	45	CERTIFICATE of service (afc) (Entered: 05/23/1999)
05/21/1999	46	CERTIFICATE of service (afc) (Entered: 05/23/1999)
05/21/1999	47	CERTIFICATE of service (afc) (Entered: 05/23/1999)
05/21/1999	48	CERTIFICATE of service (afc) (Entered: 05/23/1999)
05/21/1999	49	CERTIFICATE of service (afc) (Entered: 05/23/1999)
05/21/1999	50	CERTIFICATE of service (afc) (Entered: 05/23/1999)
05/21/1999	51	CERTIFICATE of service (afc) (Entered: 05/23/1999)
05/21/1999	52	CERTIFICATE of service (afc) (Entered: 05/23/1999)
05/21/1999	53	CERTIFICATE of service (afc) (Entered: 05/23/1999)
06/02/1999	54	CERTIFICATE of service (afc) (Entered: 06/03/1999)
06/15/1999	55	CERTIFICATE of service (lmg) (Entered: 06/16/1999)
06/16/1999	56	CERTIFICATE of service (lmg) (Entered: 06/21/1999)
06/16/1999	57	CERTIFICATE of service (lmg) (Entered: 06/21/1999)
06/16/1999	58	CERTIFICATE of service (lmg) (Entered: 06/21/1999)
06/16/1999	59	CERTIFICATE of service (lmg) (Entered: 06/21/1999)
06/16/1999	60	CERTIFICATE of service (lmg) (Entered: 06/21/1999)
06/17/1999	61	CERTIFICATE of service (afc) (Entered: 06/22/1999)

06/17/1999	62	CERTIFICATE of service (afc) (Entered: 06/22/1999)
06/22/1999	63	CERTIFICATE of service (lmg) (Entered: 06/27/1999)
06/22/1999	64	CERTIFICATE of service (lmg) (Entered: 06/27/1999)
06/22/1999	65	CERTIFICATE of service (lmg) (Entered: 06/27/1999)
07/01/1999	66	STIPULATION to file second amended complaint and forgo filing answer ; exhibit a; ORDER by Mag Judge Francis I. Yamashita – on behalf of State defendants (wnn) (Entered: 07/02/1999)
07/09/1999	67	CERTIFICATE of service (afc) (Entered: 07/09/1999)
07/09/1999	68	NOTICE OF MOTION and motion by plaintiff for class certification ; declaration of Matthew C. Bassett; declaration of Shawn A. Luiz; certificate of service – set for 10:30 9/13/99 before Judge David A. Ezra (afc) (Entered: 07/12/1999)
07/20/1999	69	INITIAL DISCLOSURE under LR26.1(a)1; exhibit "a"; certificate of service – by plaintiff Janet Makin, plaintiff Brandon Delacruz, plaintiff Barbara Thai, plaintiff Jeffrey Stubbs, plaintiff Kahua Ho'omalua Kina (afc) (Entered: 07/22/1999)
07/27/1999	70	CERTIFICATE of service (wnn) (Entered: 07/29/1999)
07/27/1999	71	CERTIFICATE of service (wnn) (Entered: 07/29/1999)
07/27/1999	72	CERTIFICATE of service (wnn) (Entered: 07/29/1999)
08/05/1999	73	SECOND AMENDED COMPLAINT for declaratory and injunctive relief; demand for jury trial; summons (issued) – by plaintiff Janet Makin, plaintiff Brandon Delacruz, plaintiff Barbara Thai, plaintiff Jeffrey Stubbs, plaintiff Kahua Ho'omalua Kina, plaintiff Robert Mullan [17–1] (afc) (Entered: 08/06/1999)
08/13/1999	74	CERTIFICATE of service (fe) (Entered: 08/17/1999)
08/18/1999	75	CERTIFICATE of service (afc) (Entered: 08/23/1999)
08/24/1999	76	CERTIFICATE of service (afc) (Entered: 08/26/1999)
08/26/1999	77	MEMORANDUM in opposition to plaintiffs' motion for class certification [68–1]; declaration of Laurence K. Lau; exhibit "a"; declaration of John Sheedy, M.D.; declaration of Noreen Moon–Ng; certificate of service – on behalf of state defendants (afc) (Entered: 08/30/1999)
08/27/1999	78	ANSWER to plaintiffs' second amended complaint filed on 08/05/99; certificate of service – by defendant State of Hawaii, defendant Benjamin Cayetano, defendant Susan M. Chandler, defendant Bruce Anderson, defendant Stan Yee, defendant Virginia Pressler, defendant Charles Duarte, defendant Pat Snyder [73–1] (afc) Modified on 08/30/1999 (Entered: 08/30/1999)
09/02/1999	79	RETURN OF SERVICE of summons and complaint executed personally upon defendant State of Hawaii through Laurence K. Lau, Deputy Attorney General, on 8/17/99 (afc) (Entered: 09/08/1999)
09/02/1999	80	REPLY to defendants' memorandum in opposition to plaintiff's motion for class certification; exhibits "a"–"c"; certificate of service – by plaintiff [68–1] (afc) (Entered: 09/08/1999)
09/03/1999	81	CERTIFICATE of service (afc) (Entered: 09/09/1999)
09/03/1999	82	CERTIFICATE of service (afc) (Entered: 09/09/1999)
09/13/1999	83	EP :granting motion for class certification [68–1]; pltf will prepare and submit the order within the week ( Ct Rptr : Stephen Platt) JUDGE Judge David A. Ezra (tb) (Entered: 09/16/1999)
09/20/1999	84	ORDER by Judge David A. Ezra granting pltf's motion for class certification [68–1] (cc: all counsel) (tb) (Entered: 09/21/1999)
09/29/1999	85	MOTION by State defendants for clarification of September 20, 1999 order granting plaintiff's motion for class certification ; memorandum in support of



		motion; certificate of service (afc) (Entered: 10/04/1999)
10/12/1999	86	NOTICE OF MOTION and motion by plaintiff for partial summary judgment ; memorandum in support; exhibits "1"- "3"; declaration of counsel; certificate of service – set for 10:30 11/22/99 before Judge David A. Ezra (tbf) (Entered: 10/13/1999)
10/12/1999	87	Separate and Concise STATEMENT of facts by plaintiff in support of motion for partial summary judgment [86–1]; certificate of service (tbf) (Entered: 10/13/1999)
10/13/1999	88	EP : ; settlement conference held 10/13/99 before Mag Judge Francis I. Yamashita ; no settlement; next conf on call ( Ct Rptr : No Record) JUDGE Mag Judge Francis I. Yamashita (tbf) (Entered: 10/18/1999)
10/13/1999	89	ORDER by Judge David A. Ezra clarifying definition of the proposed class and clarifying order granting pltf's motion for class certification [85–1] – clarifying order issued on 9/20/99 (cc: all counsel) (eps) (Entered: 10/18/1999)
10/19/1999	90	CERTIFICATE of service (fe) (Entered: 10/21/1999)
10/19/1999	91	CERTIFICATE of service (fe) (Entered: 10/21/1999)
10/19/1999	92	CERTIFICATE of service (fe) (Entered: 10/21/1999)
10/19/1999	93	CERTIFICATE of service (fe) (Entered: 10/21/1999)
10/19/1999	94	CERTIFICATE of service (fe) (Entered: 10/21/1999)
10/19/1999	95	CERTIFICATE of service (fe) (Entered: 10/21/1999)
10/22/1999	96	CERTIFICATE of service (fe) (Entered: 10/25/1999)
10/22/1999	97	CERTIFICATE of service (fe) (Entered: 10/25/1999)
10/22/1999	98	NOTICE OF MOTION and motion by defendant Hawaii, State of, defendant Benjamin Cayetano, defendant Susan M. Chandler, defendant Bruce Anderson, defendant Stan Yee, defendant Virginia Pressler, defendant Charles Duarte, defendant Pat Snyder for partial summary judgment ; memorandum in support of motion; declaration no. 2 of Laurence K. Lau; appendices #1–#5; certificate of service – set for 10:30 11/22/99 before Judge David A. Ezra (fe) (Entered: 10/25/1999)
10/22/1999	99	Separate and Concise STATEMENT of facts by defendant Hawaii, State of, defendant Benjamin Cayetano, defendant Susan M. Chandler, defendant Bruce Anderson, defendant Stan Yee, defendant Virginia Pressler, defendant Charles Duarte, defendant Pat Snyder in support of motion for partial summary judgment [98–1]; declaration of Douglas C. Ching; declaration of Noreen Moon–Ng; declaration no. 2 of Noreen Moon–Ng, exhibits #1, 2, 3; declaration of John Sheedy, M.D.; declaration of Stanley C. Yee, exhibits #4, 5, 6; certificate of service (fe) (Entered: 10/25/1999)
10/27/1999	100	CERTIFICATE of service (tbf) (Entered: 10/28/1999)
10/27/1999	101	NOTICE OF MOTION and motion by plaintiff for subclass certification ; memorandum in support; declaration of Matthew C. Bassett; certificate of service – set for 10:30 11/22/99 before Judge David A. Ezra (tbf) (Entered: 10/28/1999)
11/04/1999	102	Separate and Concise STATEMENT of facts by state defendants in opposition to pltf's motion for partial summary judgment [86–1]; exhibit #7 excerpts; certificate of service (tbf) (Entered: 11/05/1999)
11/04/1999	103	ERRATA sheet by defendant to to state defts' separate and concise statement of facts in support of state defts' motion for partial summary judgment filed 10/22/99; verifications by Susan M. Chandler and Stanley C. Yee; certificate of service [98–1] (tbf) (Entered: 11/05/1999)
11/04/1999	104	MEMORANDUM by state defendant in opposition to pltf's motion for partial summary judgment [86–1]; declaration no. 3 of Laurence K. Lau, exhibit #7; certificate of service (tbf) (Entered: 11/05/1999)

11/04/1999	105	MEMORANDUM by state defendant in opposition to motion for subclass certification [68-1]; declaration of Stanley C. Yee; certificate of service (tbf) (Entered: 11/05/1999)
11/04/1999	106	MEMORANDUM of points and authorities by plaintiff in opposition to state depts' motion for partial summary judgment [98-1] (tbf) (Entered: 11/05/1999)
11/04/1999	106	Cross MOTION for partial summary judgment ; declaration of Elizabeth Russell; declaration of Marilyn Stubbs; declaration of Charlotte Idao; declaration of Matthew C. Bassett; declaration of Shawn A. Luiz; exhibits 1-18; certificate of service - set for 10:30 11/22/99 before Judge David A. Ezra (tbf) (Entered: 11/05/1999)
11/04/1999	107	Separate and Concise Counter-STATEMENT of facts by plaintiff in support of pltf's memorandum in opposition to state depts' motion for partial summary judgment [98-1], and pltf's cross-motion for partial summary judgment [106-1]; certificate of service (tbf) (Entered: 11/05/1999)
11/09/1999	108	ERRATA by defendant Hawaii, State of, defendant Benjamin Cayetano, defendant Susan M. Chandler, defendant Bruce Anderson, defendant Stan Yee, defendant Virginia Pressler, defendant Charles Duarte, defendant Pat Snyder to memorandum in support of State depts' motion for partial summary judgment [98-1] filed 10/22/99; amended table of authorities; certificate of service (fe) (Entered: 11/10/1999)
11/10/1999	109	REPLY memorandum by defendant Hawaii, State of, defendant Benjamin Cayetano, defendant Susan M. Chandler, defendant Bruce Anderson, defendant Stan Yee, defendant Virginia Pressler, defendant Charles Duarte, defendant Pat Snyder in support of State depts' motion for partial summary judgment [98-1]; certificate of service (fe) (Entered: 11/12/1999)
11/12/1999	110	CERTIFICATE of service (wnn) (Entered: 11/15/1999)
11/12/1999	111	REPLY by plaintiffs to response to motion for partial summary judgment [106-1]; certificate of service (wnn) (Entered: 11/15/1999)
11/12/1999	112	REPLY by plaintiffs to response to motion for subclass certification [101-1]; certificate of service (wnn) (Entered: 11/15/1999)
11/12/1999	113	CERTIFICATE of service (wnn) (Entered: 11/15/1999)
11/18/1999	114	ERRATA sheet no. 2 by defendant Hawaii, State of, defendant Benjamin Cayetano, defendant Susan M. Chandler, defendant Bruce Anderson, defendant Stan Yee, defendant Virginia Pressler, defendant Charles Duarte, defendant Pat Snyder to memorandum in support of State depts' motion for partial summary judgment [98-1] filed 10/22/99; amendments to Har Ch. 17-1737; certificate of service (fe) (Entered: 11/19/1999)
11/19/1999	115	ORDER directing disclosure of class members' identities and other information to class plaintiffs' counsel [68-1] - by Mag Judge Francis I. Yamashita - on behalf of deft State of HI (fe) (Entered: 11/23/1999)
11/22/1999	116	EP : cross motions for partial summary judgments [86-1] [98-1] [106-1]; pltf's motion for subclass certification [101-1] - motions taken under advisement ( Ct Rptr : Terrence Chun) JUDGE Judge David A. Ezra (fe) (Entered: 11/24/1999)
11/23/1999	117	CERTIFICATE of service (fe) (Entered: 11/24/1999)
11/24/1999	118	ORDER by Judge David A. Ezra granting motion for subclass certification [101-1] - depts' alleged practice of denying waivers based on lack of funds is generally applicable to all subclass members; since the common claim is susceptible to a single revision remedy, the court is satisfied that plfs have met the requirement of FRCP 23(b) (cc: all counsel) (eps) (Entered: 11/30/1999)
11/26/1999	119	ORDER by Judge David A. Ezra denying plaintiffs' motion for partial summary judgment [106-1], granting in part and denying in part defendants' motion for partial summary judgment [98-1], denying plaintiffs' cross-motion for partial summary judgment [86-1] (cc: all counsel) (eps) (Entered: 12/08/1999)

12/09/1999	120	CERTIFICATE of service (eps) (Entered: 12/13/1999)
12/09/1999	122	CERTIFICATE of service (eps) (Entered: 12/13/1999)
12/09/1999	123	CERTIFICATE of service (eps) (Entered: 12/13/1999)
12/09/1999	124	CERTIFICATE of service (eps) (Entered: 12/13/1999)
12/13/1999	121	CERTIFICATE of service (eps) (Entered: 12/13/1999)
12/22/1999	125	First STIPULATION extending time to file state defendants' motion for clarification of 11/26/99 order denying plaintiff's motion for partial summary judgment, granting in part and denying in part defendants' motion for partial summary judgment, and denying plaintiffs' cross-motion for partial summary judgment ; memorandum in support of motion, and 11/24/99 and 9/20/99 class certification orders; ORDER by Judge David Alan Ezra – on behalf of state defendants – [extended to 12/28/99] (wnn) (Entered: 12/28/1999)
12/22/1999	126	Notice of ATTORNEY APPEARANCE for plaintiff Janet Makin, plaintiff Robert Mullan, plaintiff Brandon Delacruz, plaintiff Barbara Thai, plaintiff Jeffrey Stubbs, plaintiff Kahua Ho'omalua Kina by Michael G.M. Ostendorp, Rory S. Toomey; certificate of service (wnn) (Entered: 12/28/1999)
12/23/1999	129	CERTIFICATE of service (fe) (Entered: 01/05/2000)
12/30/1999	127	NOTICE OF MOTION and motion by plaintiff to continue trial week and certain deadlines ; declaration of Michael G.M. Ostendorp; certificate of service – set for 8:30 1/27/00 before Mag Judge Francis I. Yamashita (sealed) Modified on 01/03/2000 (Entered: 01/03/2000)
01/03/2000	128	ORDER by Mag Judge Francis I. Yamashita directing disclosure of subclass members' identities and other information to class plaintiffs' counsel – on behalf of defendant State of Hawaii (wnn) (Entered: 01/04/2000)
01/04/2000	131	EO : ; final pretrial conference set for 1/27/00 @8:30 has been moved to 9:30 1/27/00 before Mag Judge Francis I. Yamashita ; Matthew Bassett to notify parties ( Ct Rptr : ) JUDGE Mag Judge Francis I. Yamashita (fe) (Entered: 01/10/2000)
01/05/2000	130	CERTIFICATE of service (fe) (Entered: 01/10/2000)
01/05/2000	132	CERTIFICATE of service (fe) (Entered: 01/10/2000)
01/05/2000	135	Notice of hearing on EX PARTE MOTION by plaintiff to advance hearing on motion to continue trial week and certain deadlines ; declaration of Michael G.M. Ostendorp; certificate of service – set for 9:30 1/27/00 before Mag Judge Francis I. Yamashita (fe) (Entered: 01/11/2000)
01/06/2000	136	MOTION by State defendants' to clarify 11/26/99 Order denying plaintiff's motion for partial summary judgment, granting in part and denying in part defendants' motion for partial summary judgment and denying plaintiffs' cross-motion for partial summary judgment and 11/24/99 and 9/20/99 class certification orders ; memorandum in support of motion; declaration of No. 2 of Stanley C. Yee; certificate of service before Judge David A. Ezra (fe) (Entered: 01/12/2000)
01/10/2000	133	State defendants' opposition to plaintiffs' motion to continue trial week and extend certain deadlines [127-1]; declaration No. 4 of Laurence K. Lau; certificate of service (fe) (Entered: 01/11/2000)
01/11/2000	134	ORDER by Mag Judge Francis I. Yamashita granting ex parte motion to continue trial week and certain deadlines [127-1] 9:30 1/27/00 (fe) (Entered: 01/11/2000)
01/18/2000	137	ORDER clarifying the court's 11/26/99; order denying plaintiffs' motion for partial summary judgment and denying plaintiffs' cross-motion for partial summary judgment and 11/24/99 and 9/20/99 class certification orders – by Judge David A. Ezra re [119-1] (cc: all counsel) (eps) (Entered: 01/20/2000)
01/20/2000	138	PRETRIAL STATEMENT; exhibits "a" & "b"; certificate of service – by defendants (fe) (Entered: 01/21/2000)

01/20/2000	139	PRETRIAL Conference STATEMENT; certificate of service – by plaintiff (fe) (Entered: 01/21/2000)
01/27/2000	143	EP: final pretrial conference – no held; plaintiff's motion to continue trial week and certain deadlines [127–1] – withdrawn; defts' oral motion to continue trial – granted; new dates given: Jury Trial set for 9:00 5/2/00 before Judge David A. Ezra ; final pretrial conference set for 8:30 3/30/00 before Mag Judge Francis I. Yamashita ; Discovery ddl set for 3/3/00 ; all other outstanding discovery response due within 10 days of today (Ct Rptr: Tape–C5) JUDGE Mag Judge Francis I. Yamashita (afc) (Entered: 02/04/2000)
01/31/2000	140	CERTIFICATE of service (afc) (Entered: 02/04/2000)
01/31/2000	141	SUGGESTION of substitution of parties – by defendant Hawaii, State of (afc) (Entered: 02/04/2000)
02/04/2000	142	ORDER of Substitution of Parties – by Mag Judge Francis I. Yamashita [141–1] terminating party Stan Yee , adding and substituting party defendant Anita Yuskauskas, Chief of the Developmental Disabilities Division – on behalf of deft State of Hawaii (afc) (Entered: 02/04/2000)
02/08/2000	144	CERTIFICATE of service (eps) (Entered: 02/11/2000)
03/01/2000	145	CERTIFICATE of service (afc) (Entered: 03/01/2000)
03/01/2000	146	CERTIFICATE of service (afc) (Entered: 03/01/2000)
03/01/2000	147	CERTIFICATE of service (afc) (Entered: 03/01/2000)
03/01/2000	148	CERTIFICATE of service (afc) (Entered: 03/01/2000)
03/06/2000	149	WITHDRAWAL OF DEMAND FOR JURY TRIAL – by plaintiffs (afc) (Entered: 03/06/2000)
03/13/2000	150	FIRST AMENDED PRETRIAL CONFERENCE STATEMENT; exhibits "A" and "B"; certificate of service – by plaintiffs (afc) (Entered: 03/13/2000)
03/23/2000	151	FIRST AMENDED PRETRIAL STATEMENT; exhibits "A" & "B"; certificate of service – by State Defendants (afc) (Entered: 03/23/2000)
03/30/2000	152	EP: final pretrial conference held 3/30/00 before Mag Judge Francis I. Yamashita ; bench trial before DAE 05/02/00 at 9:00; length of trial: 3 weeks; all actions completed by 04/10/00; pltf's exhibit 1–500; defts exhibits 501 to et seq; deposition excerpts served and filed before 04/28/00; limine motions served and filed before 04/24/00; opp to limine motions served and filed before 04/26/00 ( Ct Rptr : No Record) JUDGE Mag Judge Francis I. Yamashita (cc: counsel via mail) (afc) (Entered: 04/06/2000)
03/31/2000	153	REPORT of Final Pretrial Conference and Order (bench trial) – by Mag Judge Francis I. Yamashita (afc) (Entered: 04/06/2000)
04/07/2000	154	EO: all other dates on the FPT order – due 04/10/00, has been extended to 04/11/00; notified Lau and Luiz ( ) JUDGE Mag Judge Francis I. Yamashita (afc) (Entered: 04/11/2000)
04/10/2000	155	EP: status conference: settlement reached; further status conference re: settlement on record set for 9:00 4/25/00 before Mag Judge Francis I. Yamashita ; all dates vacated ( Ct Rptr: No Record) JUDGE Mag Judge Francis I. Yamashita (afc) (Entered: 04/12/2000)
04/25/2000	157	EP : ; settlement on the record held 4/25/00 before Mag Judge Francis I. Yamashita ( Ct Rptr : Tape) JUDGE Mag Judge Francis I. Yamashita (eps) (Entered: 04/28/2000)
04/28/2000	156	Settlement, release and defense and indemnity Agreement – cc: Judge David Ezra (fe) (Entered: 04/28/2000)
07/14/2000	158	NOTICE OF MOTION and motion by State defendants' for approval of settlement ; memorandum in support of motion for approval of settlement; declaration no. 5 of Laurence K. Lau; exhibits 1–5; declaration of Sharon E. Tanaka; exhibits 6, 7;

		certificate of service – hearing set for 9:00 8/14/00 before Judge David A. Ezra (lmg) (Entered: 07/17/2000)
07/14/2000	159	NOTICE OF HEARING; plaintiffs' motion for order to approve class action settlement ; memorandum in support of plaintiffs motion to approve class action settlement; exhibits 1–4; declaration of counsel; certificate of service – hearing set for 9:00 8/14/00 before Judge David A. Ezra (lmg) (Entered: 07/17/2000)
08/14/2000	160	EP : Motion for Approval of Clalss Action Settlement: Arguments heard. Motion for Approval of Class Action Settlement GRANTED. Court approved Notice Provisions Nunc Pro Tunc [159–1] ( Ct Rptr : Julie Peterson) JUDGE Judge David A. Ezra (eps) (Entered: 08/14/2000)
08/15/2000	161	ORDER by Judge David A. Ezra granting plaintiffs' motion for order to approve class action settlement and granting state defendants' motion for approval of settlement [158–1] – court grants pltf's and defts' motion for approval of the agreement filed 4/28/00 (cc: all counsel) (eps) (Entered: 08/16/2000)
10/18/2000		ORIGINAL TRANSCRIPT filed ( Ct Rptr Julie A. Peterson) taken on 8/14/00 (eps) (Entered: 10/18/2000)
09/04/2001	162	STIPULATION for dismissal without prejudice now, and dismissal with prejudice on October 1, 2003, upon conditions of all claims and parties and ORDER by Judge David A. Ezra (cc: CRD–RS) (lmg) Modified on 10/11/2001 (Entered: 09/10/2001)
04/01/2003	163	ORDER directing disclosure of class and subclass members' identities and other settlement compliance information to plaintiffs' counsel by Judge David A. Ezra re [159–1] (cc: all counsel) (fe) (Entered: 04/02/2003)