

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

DENTONS US LLP
1001 Bishop Street, Suite 1800
Honolulu, Hawai'i 96813-3689
Telephone: (808) 524-1800
Facsimile: (808) 524-4591
E-mail: bill.hunt@dentons.com
jenny.nakamoto@dentons.com

JOEL M. TAYLOR (*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.

Electronically Filed
FIRST CIRCUIT
1CCV-20-0000390
30-MAR-2022
03:53 PM
Dkt. 321 STIP

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 DEO
(OTHER NON-VEHICLE TORT)

STIPULATED PROTECTIVE ORDER;
EXHIBIT 1

Judge: Honorable Dean E. Ochiai
Trial: June 20, 2022

(caption continued on next page)

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.

STIPULATED PROTECTIVE ORDER

The parties, and their respective attorneys, have stipulated to the terms of this Order.

This Order is entered to limit the disclosure of various confidential documents produced by the parties in response to discovery, and to maintain the confidentiality of such documents, including documents which contain private, confidential and/or proprietary business information, that are marked "CONFIDENTIAL" in red ink, at the top and bottom of each page of the protected document by the producing party. If indicated, the parties may produce additional documents subject to the Stipulated Protective Order by marking any additional documents "CONFIDENTIAL" in red ink, at the top and bottom of each page of the protected document. Accordingly, the Court finds that good cause exists for issuance of an Order requiring limited disclosure of the documents and that entry of the Order is appropriate pursuant to Hawai'i Rules of Civil Procedure 26(c).

IT IS HEREBY ORDERED:

1. That the various confidential documents of the parties produced by the parties through discovery marked “CONFIDENTIAL” in red ink, at the top and bottom of each page of the protected document by the producing party, will be subject to this Order. Further, in the event additional confidential documents are produced by the parties through future discovery, the terms and conditions of this Stipulated Protective Order Regarding Confidentiality shall apply to those documents appropriately marked with “CONFIDENTIAL” in red ink, at the top and bottom of each page of the protected document by the producing party. Any party who makes copies of the “CONFIDENTIAL” documents for any permitted use hereunder shall maintain and not redact the “CONFIDENTIAL” mark from the document or a page thereof.

2. Confidential Documents may be disclosed only to the following persons:
- a. The Parties and their counsel of record, record counsel's partners, associates, clerks, legal assistants, secretarial personnel, co-counsel, and/or those regularly employed by counsel of record;
 - b. Persons who are, or who are the employees of, independent experts, consultants, document managers, and litigation support contractors retained by counsel or parties to this action provided that each such person shall execute a copy of the Certification annexed to this Order as Exhibit 1 (which shall be maintained in the files of the disclosing Party and shall be available for review by all counsel and Parties upon reasonable notice);
 - c. The court, court personnel, including stenographic reporters; and
 - d. Any actual or prospective witnesses in this litigation, except that such a person may only be shown a matter designated as confidential during, or

in preparation of his or her testimony, and only to the extent necessary for such preparation or testimony.

3. Persons who are provided documents produced subject to this Stipulated Protective Order, pursuant to Paragraph 2 of this Order, may use or disclose such documents only in connection with, or preparation for, settlement negotiations, trial, and other proceedings in the above referenced matter only and not for any other purpose, and may not at any time show, display, reveal, disseminate, or discuss such documents or the contents thereof to or with any person(s) other than those listed in Paragraph 2, without consent of the other parties or leave of Court.

4. Nothing in this Order shall limit the rights of the parties to object to any evidence at trial or other evidentiary proceeding in this case on grounds other than those related to this Order. If documents produced subject to this Stipulated Protective Order are attached as exhibits to motions, those exhibits will be filed under seal with a cover sheet noting the document is being filed under seal pursuant to this Stipulated Protective Order.

5. If any party objects to any document classified or identified as “CONFIDENTIAL” per this Stipulated Protective Order Regarding Confidentiality, that party shall notify all counsel of the objection. Counsel producing such documents shall then move the Court for a Protective Order for the specific objected to document(s) within 14 days of the objection. During the period of time a party is seeking a Protective Order for the specific objected to document(s) and until such time as the Court rules on any protective order motion, said document(s) shall remain subject to the terms and conditions of this Stipulated Protective Order Regarding Confidentiality.

6. Materials subject to this Order may not be used in any other claim or case, and

may not be disseminated after final resolution of this action. The parties agree to maintain the confidentiality of all materials subject to this Order upon termination of this action by settlement and/or final judgment unless subject to court order superseding this Order.

7. The following are examples of information that is not “CONFIDENTIAL”: (a) Published advertising materials; (b) Any information that is or, after its disclosure to a receiving party, becomes part of the public domain as a result of publication not involving a violation of this Order or other obligation to maintain the confidentiality of such information; (c) Any information that the receiving party can show was already publicly known prior to the disclosure not involving a violation of this Order or other obligation to maintain the confidentiality of such information; (d) Any information that the receiving party can show by written records was received by it from a source who obtained the information lawfully and under no obligation of confidentiality to the producing party; and (e) Any information which the receiving party can show was independently developed by it after the time of disclosure by personnel who did not have access to the producing party's information marked as “CONFIDENTIAL.”

8. The Parties, by their undersigned counsel, stipulate and consent to the entry of this Protective Order.

<<<SIGNATURES ON FOLLOWING PAGE>>>

DATED: Honolulu, Hawai'i, March 11, 2022.

/s/ Matthew C. Winter

MARK S. DAVIS
LORETTA A. SHEEHAN
MATTHEW C. WINTER
JAMES S. ROGERS (*Pro Hac Vice*)
Attorneys for Plaintiff

/s/ Jenny J.N.A. Nakamoto

WILLIAM S. HUNT
JENNY J.N.A. NAKAMOTO
JOEL M. TAYLOR (*Pro Hac Vice*)
Attorneys for Defendants/Crossclaimants
MAKAHA CONGREGATION OF JEHOVAH'S WITNESSES,
HAWAII and WATCHTOWER BIBLE AND TRACT
SOCIETY OF NEW YORK, INC.

DATED: Kailua-Kona, Hawai'i, March __, 2022.


KENNETH L. APANA
Defendant *Pro Se*

APPROVED AND SO ORDERED:

/s/ Dean E. Ochiai
JUDGE OF THE ABOVE ENTITLED COURT



N.D. v. 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, et al., Circuit Court of the First Circuit, State of Hawai'i; Civil No. 1CCV-20-0000390 DEO; **STIPULATED PROTECTIVE ORDER; EXHIBIT 1**

EXHIBIT 1

UNDERTAKING TO BE BOUND BY STIPULATED PROTECTIVE ORDER

RE: *N.D. v. 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, et al.*, Circuit Court of the First Circuit, State of Hawai'i; Civil No. 1CCV-20-0000390 DEO

I have read and I understand the Stipulated Protective Order ("Order") which was entered into by the parties in the above-referenced litigation, to which a copy of this Statement is attached. I hereby agree to be bound by all the terms, conditions, and restrictions imposed by this Order.

I understand that documents and/or information, including but not limited to Confidential Information, may be disclosed to me which were produced or exchanged by a party in the course of the above-entitled action, including related appellate proceedings (hereinafter collectively "documents"). I acknowledge and agree that I have used and/or will use the documents (other than information that is publicly available) disclosed to me solely for the purpose of assisting counsel to evaluate the claims, prepare for, and/or participate in the prosecution, defense, and/or settlement of the above-referenced litigation. I further acknowledge and agree that I have not and/or will not use or disclose any of the documents disclosed to me for any other purpose unless the documents are publicly available. I have not and/or will not disclose any of the documents (other than information that is publicly available) to any person who has not been designated to receive the documents pursuant to the Order.

I further agree that, upon the final disposition of this action, I will promptly return to the counsel who supplied me with the material and/or destroy, in accordance with the Order, all documents provided to me, including all photocopies and all reproductions stored on electronic, photographic, and/or any other media; and all writing and data compilations thereof, which are in my possession, custody and/or control.

Dated: _____

(Signature)

Name

Business Address

City

State

Zip Code

Business Telephone Number