

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

DENTONS US LLP
1001 Bishop Street, Suite 1800
Honolulu, Hawai`i 96813-3689
Telephone: (808) 524-1800
Facsimile: (808) 524-4591
Email: william.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.

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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)

**PARTIAL STIPULATION FOR
DISMISSAL WITH PREJUDICE OF
ALL CLAIMS AGAINST DEFENDANTS
MAKAHA CONGREGATION OF
JEHOVAH'S WITNESSES, HAWAII
AND WATCHTOWER BIBLE AND
TRACT SOCIETY OF NEW YORK,
INC.; ORDER; CERTIFICATE OF
SERVICE**

TRIAL: February 21, 2023
Judge: Honorable Dean E. Ochiai

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.

**PARTIAL STIPULATION FOR DISMISSAL WITH PREJUDICE OF
ALL CLAIMS AGAINST DEFENDANTS MAKAHA CONGREGATION
OF JEHOVAH’S WITNESSES, HAWAII AND WATCHTOWER BIBLE
AND TRACT SOCIETY OF NEW YORK, INC.**

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff N.D. (“Plaintiff”) and Defendants/Crossclaimants Makaha Congregation of Jehovah’s Witnesses, Hawaii and Watchtower Bible and Tract Society of New York, Inc. (together, the “Religious Defendants”), by and through their respective undersigned counsel, pursuant to Rules 41(a)(1)(B), 41(c), and 41.1 of the Hawai‘i Rules of Civil Procedure (“HRCP”) that:

1. The Complaint and all allegations and claims that were or could have been raised in Plaintiff’s Complaint filed on March 10, 2020, (“Complaint”) against the Religious Defendants (each, a “Party” and collectively, the “Parties”), are hereby dismissed with prejudice.

2. Defendant Christian Congregation of Jehovah’s Witnesses was dismissed without prejudice pursuant to the *Stipulation for Partial Dismissal Without Prejudice as to All Claims Against Defendant Christian Congregation of Jehovah’s Witnesses and to Amend the Caption Accordingly*, entered on July 30, 2020 in this action, and is also included in this dismissal with prejudice.

3. Defendant/Cross-claim Defendant Kenneth L. Apana (“Apana”) was served the Complaint but did not answer the Complaint, file a motion for summary judgment, or otherwise

defended against the Complaint. Apana was served the Religious Defendants' Crossclaims filed on August 6, 2020 ("Crossclaim") but Apana but did not answer, file a motion for summary judgment, or otherwise defended against the Crossclaim. On October 17, 2022 default was entered against Apana as to the Crossclaim.

4. Pursuant to HRCF Rules 41(c) and 41.1, the Religious Defendants, through their counsel, hereby dismiss with prejudice their crossclaims asserted against Apana.

5. The Religious Defendants filed a motion for summary judgment that was granted in part and therefore disposed of Plaintiff's Claim III (Hindering Prosecution).

6. Plaintiff's claims asserted in her Complaint against Apana are the only remaining claims.

7. All appearing parties have signed this stipulation.

8. The signing parties each agree to bear their own costs and attorneys' fees.

9. This stipulation may be executed in counterparts and the separate signatures pages taken together shall have the same effect as if the Parties had executed this instrument at the same time and place and constitute one original.

DATED: Honolulu, Hawai'i, January 30, 2023.

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

/s/ William S. Hunt
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.

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; **PARTIAL STIPULATION FOR DISMISSAL WITH PREJUDICE OF ALL CLAIMS AGAINST DEFENDANTS MAKAHA CONGREGATION OF JEHOVAH'S WITNESSES, HAWAII AND WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC.; ORDER**

