

2010 SEP -1 AM 9: 53

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT DANETTE FUJII  
CLERK

STATE OF HAWAII

STEVEN NISHIMURA, IN HIS  
OFFICIAL CAPACITY AS THE  
CHAIRMAN OF THE KAUAI  
COUNTY COMMITTEE OF THE  
DEMOCRATIC PARTY OF HAWAII,

Plaintiff,

vs.

HARRY E. WILLIAMS,

Defendant.

CIVIL NO. 10-1-0186  
(Other Civil Action – HRS 12-8,  
Election Proceeding)

FINDINGS OF FACT, CONCLUSIONS  
OF LAW; ORDER DISMISSING  
PLAINTIFF STEVEN NISHIMURA'S  
VERIFIED COMPLAINT; CERTIFICATE  
OF SERVICE

JUDGE: Honorable Randal Valenciano

**FINDINGS OF FACTS; CONCLUSIONS OF LAW**

Plaintiff Steven Nishimura's Verified Complaint, having come for hearing on August 26, 2010 at 1:00 p.m., and again on August 30, 2010 at 9:00 a.m., and August 31, 2010 at 8:30 a.m., before the Honorable Randal Valenciano, with Plaintiff being represented by Harold Bronstein, Esq. and no party appearing on behalf of Defendant, and the Court having received evidence, heard argument of counsel, and being fully advised in the premises, makes the following findings of fact and conclusions of law:

I do hereby certify that this is a full, true and  
correct copy of original on file in this office.



Clerk, Circuit Court, Fifth Circuit

## I. FINDINGS OF FACT

1. On July 19, 2010 at 11:00 a.m., David Hamman filed nomination papers to run as a Republican candidate for State House of Representatives District 14<sup>th</sup>.
2. David Hamman did not sign the oath of loyalty or affirmation in his nomination papers for District 14. However, the County Clerk accepted and filed the nomination papers submitted by David Hamman.
3. Upon the County Clerk's acceptance and filing of David Hamman's nomination papers for District 14, David Hamman was an official candidate for District 14.
4. On July 19, 2010, at 12:05 p.m., David Hamman withdrew his nomination papers for the 14<sup>th</sup> District.
5. On July 19, 2010, at 12:31 p.m., David Hamman filed nomination papers to run as the Republican candidate for the State Senate, Kauai.
6. On July 20, 2010, Chief Election Officer Scott Nago, via Lori Tomczyk, ballot operations, notified the Republican Party that the Republican Party had three (3) additional days, until 4:30 p.m. on July 22, 2010, to notify the Chief Elections Officer of a replacement candidate for the 14<sup>th</sup> District.
7. On July 21, 2010, the Hawaii Republican Party notified, via email, the Elections Office of its nomination of Harry Williams as the replacement candidate for the 14<sup>th</sup> District.
8. On July 22, 2010, at 8:15 a.m., Harry Williams timely filed his nomination papers to run as the Republican candidate for the 14<sup>th</sup> District.

9. Harry Williams is a candidate for the 14<sup>th</sup> District.

## **II. CONCLUSIONS OF LAW**

1. This Court has jurisdiction over this matter.
2. When the County Clerk accepted and filed the nomination papers submitted by David Hamman for the 14<sup>th</sup> District, David Hamman became an official candidate for the 14<sup>th</sup> District.
3. David Hamman appropriately withdrew his candidacy for the 14<sup>th</sup> District. See HRS 11-117.
4. Once David Hamman withdrew, the Chief Elections Officer gave notice to the Republican Party to submit a replacement candidate within the deadlines described under HRS 11-118(b).
5. The Republican Party submitted notice of the replacement candidate, Harry Williams, to the Chief Elections Officer via email within the allotted time frame of HRS 11-118.
6. Harry Williams timely filed his nomination papers as the replacement candidate.
7. Harry Williams is a candidate representing the Republican Party for the office of State House of Representatives, District 14.

**III. ORDER DISMISSING PLAINTIFF'S VERIFIED COMPLAINT**

NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Plaintiff's verified complaint is DISMISSED.

Dated: Lihue, Kauai, Hawaii, 8-31-10

 *Ronald H. B. Valeriano*

\_\_\_\_\_  
JUDGE OF THE ABOVE-ENTITLED COURT

STATE OF HAWAII

STEVEN NISHIMURA, IN HIS  
OFFICIAL CAPACITY AS THE  
CHAIRMAN OF THE KAUAI  
COUNTY COMMITTEE OF THE  
DEMOCRATIC PARTY OF HAWAII,

Plaintiff,

vs.

HARRY E. WILLIAMS,

Defendant.

CIVIL NO. 10-1-0186  
(Other Civil Action – HRS 12-8,  
Election Proceeding)

CERTIFICATE OF SERVICE

JUDGE: Honorable Randal Valenciano

CERTIFICATE OF SERVICE

I hereby certify on this date, a copy of the foregoing document was delivered to the following, at the address listed below:

	U.S. Mail	Court Jacket
Harold Bronstein, Esq. P.O. Box 3064 Lihue, HI 96766		X
Scott Nago, Chief Elections Officer State of Hawaii Office of Elections 802 Lehua Avenue Pearl City, Hawaii 96782	X	

Dated: Lihue, Hawaii: \_\_\_\_\_

\_\_\_\_\_  
Clerk of the Above Entitled Court