

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

RONALD G. LIVINGSTON;
MICHAEL J. BOTELLO; KITIYA M.
SHIROMA; JACOB STEWART; and
HAWAII RIFLE ASSOCIATION,

Plaintiffs,

v.

SUSAN BALLARD, in her official
capacity as Police Chief of the City &
County of Honolulu; CITY &
COUNTY OF HONOLULU; and
CLARE E. CONNORS, in her official
capacity as Attorney General of
Hawai'i,

Defendants.

CIVIL NO. 19-00157 JMS-RT

DECLARATION OF CLYDE J.
WADSWORTH; EXHIBIT "A"

DECLARATION OF CLYDE J. WADSWORTH

Pursuant to 28 U.S.C. § 1746, I, CLYDE J. WADSWORTH, declare:

1. I am the Solicitor General of the State of Hawai'i and counsel for Defendant Clare E. Connors, in her official capacity as Attorney General of Hawai'i, in this action. Unless otherwise stated, I make this declaration upon personal knowledge and am competent to testify as to the matters set forth herein.

2. I make this Declaration in support of the accompanying *Ex Parte Motion to Shorten Time for Hearing Defendant Clare E. Connors's Motion Under L.R. 40.2 to Reassign Case to the Honorable Helen Gillmor* (the "*Ex Parte Motion*").

3. The *Ex Parte Motion* is being submitted concurrently with *Defendant Clare E. Connors's Motion Under L.R. 40.2 to Reassign Case to the Honorable Helen Gillmor* (the "*L.R. 40.2 Motion*") The purpose of the *L.R. 40.2 Motion* is to have this case reassigned to the Honorable Helen Gillmor because it involves the same or substantially the same subject matter, and the same or substantially identical questions of law, as *Young v. State of Hawaii*, Civ. No. 12-00336 HG-BMK, a case decided by Judge Gillmor that is currently pending before the Ninth Circuit. A copy of the *L.R. 40.2 Motion* is attached hereto as Exhibit "A."

3. Hearing or otherwise deciding the *L.R. 40.2 Motion* on shortened time is necessary so that the threshold issue of the assignment of this case may be determined expeditiously, before other scheduling matters occur and motions are heard. Other matters currently pending in this case include: (1) the Rule 16 Scheduling Conference, now set for June 3, 2019, at 9:00 a.m.; and (2) Plaintiffs' Motion for Preliminary Injunction, filed on April 11, 2019.

4. On April 15, 2019, and pursuant to Local Rule 6.2(c), I communicated by phone and e-mail with Plaintiffs' counsel James Hochberg to inform him of

Defendant Connors's intention to file the L.R. 40.2 Motion and to inquire as to his position on the *Ex Parte* motion. On April 16, 2019, Mr. Hochberg responded that Plaintiffs will oppose the L.R. 40.2 Motion to reassign.

5. On April 15, 2019, and pursuant to Local Rule 6.2(c), I spoke by phone with Robert Kohn and Nicolette Winter, counsel for Defendants Susan Ballard, in her official capacity as Police Chief of the City and County of Honolulu, and City and County of Honolulu (the “City & County Defendants”). I informed them of Defendant Connors’s intention to file the L.R. 40.2 Motion and asked them about their position on the *Ex Parte* Motion. Mr. Kohn indicated that the City & County Defendants agree with the *Ex Parte* Motion.

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

DATED: Honolulu, Hawai‘i, April 16, 2019.

/s/ Clyde J. Wadsworth
CLYDE J. WADSWORTH