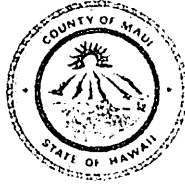


RICHARD T. BISSEN, JR.
Mayor

VICTORIA J. TAKAYESU
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DEPARTMENT OF THE CORPORATION COUNSEL
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September 20, 2024



OFFICE OF THE
COUNTY CLERK

2024 SEP 20 PM 2:04

REC'D

Via email only at county.clerk@mauicounty.us
Honorable Alice L. Lee, Chair
and Members of the Council
County of Maui
Wailuku, Hawai'i 96793

**SUBJECT: Litigation Matter – Settlement Authorization
JULIEANN NAKI, INDIVIDUALLY, AND AS SPECIAL
ADMINISTRATOR OF THE ESTATE OF NATHANIEL JOSHUA NA
WA'E, WA'E MAKALA KA KAI NAKI, ET AL. V. COUNTY OF MAUI,
ET AL.; CIVIL CV-23-00383-HG-WRP**

Dear Chair Lee and Council Members:

Please find attached separately a Proposed Resolution entitled "AUTHORIZING SETTLEMENT OF JULIEANN NAKI, INDIVIDUALLY, AND AS SPECIAL ADMINISTRATOR OF THE ESTATE OF NATHANIEL JOSHUA NA WA'E, WA'E MAKALA KA KAI NAKI, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL CV-23-00383-HG-WRP." The purpose of the proposed resolution is to discuss settlement options with regard to the above-referenced lawsuit.

I request that the proposed resolution be scheduled for discussion and action, or referral to the appropriate standing committee as soon as possible, as this matter is set for an early settlement conference with the Magistrate Judge on October 22, 2024. For further information, I have also attached the Second Amended Complaint in this matter, which was filed on March 1, 2024.

Executive session will be necessary to discuss questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and/or the Committee.

Honorable Alice L. Lee, Chair
September 20, 2024
Page | 2

If you have any questions or concerns, please do not hesitate to contact us. Thank you for your anticipated assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Sova', written over the printed name.

BRADLEY J. SOVA
Deputy Corporation Counsel

cc: John Pelletier, Chief of Police

Attachments

Law Offices Of:
HARRISON & MATSUOKA

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Attorney for Plaintiffs
JULIEANN NAKI, Individually,
and as Special Administrator
of the Estate of NATHANIEL JOSHUA NA WA`E
WA`E MAKALA KA KAI NAKI, RAYMOND K. NAKI, SR.,
RAYMOND K. NAKI, JR., ANTHONY NAKI,
TERINA NAKI and PALMER NAKI

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

JULIEANN NAKI, Individually,)	CIVIL NO. CV23-00383 HG-WRP
and as Special Administrator)	
of the Estate of NATHANIEL JOSHUA)	SECOND AMENDED
NA WA`E WA`E MAKALA KA KAI)	COMPLAINT; DEMAND FOR
NAKI, RAYMOND K. NAKI, SR.,)	JURY TRIAL; CERTIFICATE OF
RAYMOND K. NAKI, JR.,)	SERVICE
ANTHONY NAKI, TERINA NAKI)	
and PALMER NAKI)	
)	
Plaintiffs,)	
)	
vs.)	
)	
COUNTY OF MAUI, MAUI POLICE)	
OFFICER FREDERICK WELCH;)	
MAUI POLICE OFFICER)	
NATHANAEL GANDEZA; DOE)	
INDIVIDUALS 1-10, DOE)	<i>(Caption continued next page)</i>

PARTNERSHIPS 1-10, DOE)
CORPORATIONS 1-10, DOE)
GOVERNMENTAL ENTITIES 1-10,)
and DOE ENTITIES 1-10,)
))
Defendants.)
_____)

SECOND AMENDED COMPLAINT

Comes now Plaintiffs JULIEANN NAKI, Individually, and as Special Administrator of the Estate of NATHANIEL JOSHUA NA WA'E WA'E MAKALA KA KAI NAKI, RAYMOND K. NAKI, SR., RAYMOND K. NAKI, JR., ANTHONY NAKI, TERINA NAKI and PALMER NAKI above named (collectively "Plaintiffs"), by and through their counsel, and for complaint against Defendants above named, alleges, and avers as follows:

INTRODUCTION

1. This cause of action arises out of the shooting of NATHANIEL JOSHUA NA WA'E WA'E MAKALA KA KAI NAKI [hereinafter "Nathaniel Naki," "Nathaniel"] on the Island of Molokai, April 30, 2023 by Maui Police officers FREDERICK WELCH and NATHANAEL GANDEZA. The unjustified, unprivileged and unlawful shooting of Nathaniel resulted in his death.

PARTIES

2. Plaintiff JULIEANN NAKI [hereinafter "Plaintiff" or "Special Administrator"] is, and at all pertinent times, was a resident of the County of

Maui, State of Hawai`i, and the mother of Nathaniel.

3. That Plaintiff JULIEANN NAKI is the duly appointed Special Administrator of the Estate of NATHANIEL JOSHUA NA WA`E WA`E MAKALA KA KAI NAKI [hereinafter “Estate”].

4. Plaintiff RAYMOND K. NAKI, SR., is, and at all pertinent times, was a resident of the County of Maui, State of Hawai`i, and the father of Nathaniel.

5. Plaintiffs RAYMOND K. NAKI, JR., ANTHONY NAKI, TERINA NAKI and PALMER NAKI [hereinafter “Siblings” and/or “Plaintiffs”] are all residents of the County of Maui, State of Hawai`i and the siblings of Nathaniel.

6. At all times mentioned herein, Defendant COUNTY OF MAUI [hereinafter “COUNTY”] is and was a municipal corporation organized under the laws of the State of Hawai`i and is liable to be sued pursuant to *Hawai`i Revised Statutes* § 46-1.5. COUNTY has supervisory obligations and is *respondeat superior* over and is responsible herein for the act and omissions of the Maui County Police Department [hereinafter “POLICE DEPARTMENT”], and its Police Officers.

7. Defendant FREDERICK WELCH [hereinafter “OFFICER WELCH,” “WELCH,” “Defendant”] was a resident of the County of Maui, State of Hawai`i, and employed by COUNTY and POLICE DEPARTMENT, as an agent, servant

and employee of COUNTY, acting under the color of state law with the permission and consent, and within the course and scope of said agency and employment, at all times relevant to this lawsuit, was one of two officers who fatally shot Nathaniel, using excessive and/or unreasonable deadly force; and is being sued in his individual capacity.

8. Defendant NATHANAEL GANDEZA [hereinafter “OFFICER GANDEZA,” “GANDEZA,” “Defendant”] was a resident of the County of Maui, State of Hawai`i, and employed by COUNTY and POLICE DEPARTMENT as an agent servant and employee of COUNTY, acting under the color of state law with the permission and consent, and within the course and scope of said agency and employment, at all times relevant to this lawsuit, was one of two officers who fatally shot Nathaniel, using excessive and/or unreasonable deadly force; and is being sued in his individual capacity.

9. At all times relevant herein, Defendant DOE POLICE OFFICERS [hereinafter “POLICE OFFICERS,” “Defendants,” “DOE OFFICERS”] were residents of the County of Maui, State of Hawai`i, and employees of COUNTY, acting in the course and scope of their employment as Maui County Police Officers. DOE OFFICERS are being sued in all applicable capacities. At present, Plaintiffs do not have sufficient knowledge or information as to the proper identity of the aforementioned DOE OFFICERS. Plaintiffs have made due and diligent

search and sought review of all relevant records, files, police and incident investigation reports and all other documents uncovered by way of formal and informal discovery to determine the true identities of all Defendants herein. Plaintiffs have also made requests for information from the Maui County Police Department as to the identities of all police officers involved.

10. Defendants DOE INDIVIDUALS 1-10, DOE CORPORATIONS 1-10, and DOE GOVERNMENTAL ENTITIES 1-10 are sued herein under fictitious names for the reason that, despite diligent and good faith efforts to obtain information, their true names and identities are presently unknown to Plaintiffs, except that they are connected in some manner with the named Defendants and/or were the agents, servants, employees, employers, representatives, co-ventures, associates, or vendors of the named Defendants and/or were in some manner presently unknown to Plaintiffs engaged in the activities alleged herein and/or were in some manner responsible for the injuries or damages to Plaintiffs and/or were in some manner related to the named Defendants and that their “true names, identities, capacities, activities, and/or responsibilities” are presently unknown to the Plaintiffs or their attorney.

11. In engaging in the conduct described herein, Defendant police officers acted under the color of state and county law and in the course and scope of their agency and employment with the County. In engaging in the conduct described

herein, Defendant police officers exceeded the authority vested in them as police officers under the United States Constitution and the Constitution and the laws of the State of Hawai`i.

JURISDICTION AND VENUE

12. This Court has jurisdiction over the claims in this matter pursuant to 28 U.S.C. §§ 1331, 1343, and 1367, as well as all pendant state claims alleged.

13. Additionally, this action is brought pursuant to the Fourth and Fourteenth Amendments to the United States Constitution, as well as 42 U.S.C. §§ 42 U.S.C. §§ 1981, 1983 and 1988.

14. Venue is proper in this Circuit pursuant to 28 U.S.C. § 1391 (b) and (c) since all the acts, omissions, and occurrences alleged herein took place within the County of Maui, State of Hawai`i.

STATEMENT OF FACTS

15. On April 30, 2023, the day Nathaniel was unlawfully and unjustifiably shot and killed, he was 40 years old. He was homeless and resided near the roadside where he was killed.

16. Nathaniel was born and raised on the island of Molokai. He was known by all long-time residents of Molokai, including Defendants WELCH and GANDEZA. From time to time Nathaniel attended the same church which WELCH attended.

17. On April 30, 2023, Nathaniel was on a public street on Molokai, when Officers WELCH and GANDEZA arrived at his location and advanced toward him.

18. WELCH and GANDEZA were approaching Nathaniel regarding a call alleging a restraining order (“RO”) violation at a nearby property. The RO violation was called in by an off-duty police officer, not the Petitioner who filed the request for a restraining order. The RO required that Nathaniel Naki stay away from Petitioner’s residence. The off-duty officer alleged that Nathaniel had come onto Petitioner’s property in violation of the RO.

19. Upon arrival at a location which was a distance away from the RO Petitioner’s residence, WELCH and GANDEZA observed Nathaniel with a Machete tucked under his arm. The police body camera footage provides independent proof that the machete was never wielded in a threatening manner at any time.

20. Notwithstanding the fact that Nathaniel was not threatening anyone, officers WELCH and GANDEZA immediately pointed their automatic service firearms at Nathaniel and demanded that he put down the machete tucked under his arm, shouting expletives while repeatedly yelling and threatening to shoot and kill Nathaniel. During the expletives rant, Nathaniel was ordered to “back away” and when he did so the two police officers with guns continually drawn, would move

toward him in a threatening manner. During the verbal exchange it is abundantly clear that the named defendants had no regard for Nathaniel's welfare. The nature of the expletives hurled and the comments made during the exchange, clearly established the ill will and wickedness of heart of each defendant police officer.

21. Nathaniel, responded he was not doing anything wrong and when confronted with the allegation that he had violated the RO, replied that he had not done so. Thereafter without any further provocation or threat from Nathaniel, both Defendant Police Officers WELCH and GANDEZA fired their weapons on Nathaniel at point blank range. WELCH admitted to firing three shots into Nathaniel. GANDEZA fired at least two rounds as well, which struck Nathaniel. The use of such force was unreasonable, unnecessary, excessive and in violation of Hawaii Revised Statutes §703-307.

22. As a result of opening fire at point blank range, Nathaniel was shot and killed by both officers. At the time Nathaniel was shot and killed by officers WELCH and GANDEZA, he did not pose an immediate threat to either officer. Nor did Nathaniel pose a threat to anyone else. The alleged violation of a RO was merely a misdemeanor offense, which did not warrant such excessive use of force and pursuant to HRS § 703-307 was therefore unjustified. Nathaniel was neither fleeing, resisting arrest or attempting to evade arrest. He was merely standing in

front of officers WELCH and GANDEZA verbally insisting that he had not done anything wrong and should be left alone.

23. It is the duty of the Maui Police Department to ensure public safety, to preserve lives and protect the rights of all individuals. Instead of escalating tensions during encounters, Maui Police Officers should be trained to de-escalate situations to negate the need to use deadly force in such encounters. To use only the amount of force which is reasonable to accomplish a legitimate law enforcement purpose.

24. In this case that was not done, and the Maui Police Officers involved did not seek to de-escalate the situation but instead maliciously sought to escalate the confrontation. Thereafter, unlawfully and unjustifiably used deadly force without provocation when they discharged their weapons at Nathaniel. The amount of force used went well beyond what was immediately necessary under the circumstances of the confrontation with Nathaniel.

25. In May and June 2023, Plaintiffs sought information from COUNTY, POLICE and POLICE DEPARTMENT regarding the nature and circumstances of Nathaniel's death. The COUNTY initially hid the nature and circumstances of Nathaniel's demise from Plaintiffs. The COUNTY has recently provided some information regarding this matter to Plaintiffs. COUNTY's acts in failing to

divulge information to Plaintiffs was done in a fraudulent attempt to cover-up defendants' complicity and/or responsibility for Nathaniel's demise.

26. As a direct and proximate result of the forgoing Estate of NATHANIEL JOSHUA NA WA'E WA'E MAKALA KA KAI NAKI has incurred funeral and other expenses in amounts to be proven at trial.

27. As a further direct result of the forgoing the Plaintiff ESTATE has suffered loss of income, pain and suffering and loss of enjoyment of life.

28. As a further direct and proximate result of the foregoing all Plaintiffs have suffered great mental anguish, suffering, pain, anger, loss of familial companionship and society, due to the death of their son and brother.

COUNT I - 42 U.S.C. § 1983:

29. Plaintiff JULIEANN NAKI, Individually, and as Special Administrator of the Estate of NATHANIEL JOSHUA NA WA'E WA'E MAKALA KA KAI NAKI reallege and incorporates by reference herein paragraphs 1 – 28 herein above as though fully set forth in this cause of action and further state:

A. Fourth Amendment Violation

(a) Officers WELCH and GANDEZA, while acting and/or purporting to act under the color of law, statutes, ordinances, rules, regulations, customs, policies, practices, and/or usages of Defendant COUNTY, illegally seized, and in firing their

weapons, used excessive force upon Decedent NATHANIEL JOSHUA NA WA`E WA`E MAKALA KA KAI NAKI without probable cause and/or just or reasonable cause and without a reasonable basis to believe that he was a danger to himself or to others. Officers WELCH and GANDEZA with guns drawn, repeatedly shouted expletives at Nathaniel while egging him on to respond. In response to Nathaniel's questioning regarding the reasons for the confrontation, instead of discussing the matter, the officers continually yelled that they were going to kill Nathaniel, while Nathaniel was not doing anything to warrant such a retort. The statements and actions of the officers clearly manifested a deliberate and malicious intent to terrorize, harm and kill Nathaniel, without any showing of just cause. The Officers and each of them then without any legal and lawful reason, opened fire with a volley of bullets thereby unjustifiably killing Nathaniel.

(b) The wrongful conduct of detaining and firing a weapon at Nathaniel who was no threat to Officers WELCH and GANDEZA, violated Nathaniel's Fourth Amendment's due process right to be secure against unreasonable seizure of his person under the United States Constitution, in violation of 42 U.S.C. § 1983.

30. As a direct and proximate result of the intentional and/or willful and wanton conduct and/or gross negligence and carelessness of Defendant Officers WELCH and GANDEZA and each of them aforesaid, NATHANIEL JOSHUA

NA WA`E WA`E MAKALA KA KAI NAKI was essentially assassinated by the two Officers in such a manner that shocks the conscience of law abiding citizens.

31. As a direct and proximate result of the intentional and/or willful and wanton conduct and/or gross negligence and carelessness of the named Defendants and each of them, Nathaniel experienced excruciating pain and suffering and severe mental anguish and emotional trauma prior to his death and his estate has been damaged as provided in Hawai`i Revised Statutes §663-4, §663-7, §663-8 and §663-8.5 and by such other damages as allowed by law.

32. As a further direct and proximate result of the intentional and/or willful and wanton conduct and/or gross negligence and carelessness of named Defendants and each of them, Decedent NATHANIEL JOSHUA NA WA`E WA`E MAKALA KA KAI NAKI suffered loss of future earnings and loss of enjoyment of life in amounts to be shown at trial which may be recovered by his estate pursuant to Hawai`i Revised Statutes §§663-3, 663-4, §663-7 and §663-8.5.

33. As a further direct and proximate result of the intentional and/or willful and wanton conduct and/or gross negligence and carelessness of named Defendants and each of them, the Estate of NATHANIEL JOSHUA NA WA`E WA`E MAKALA KA KAI NAKI incurred burial and other expenses in an amount to be shown at trial and his estate is entitled to the recovery of damages as

provided in Hawai'i Revised Statutes §663-3, and such other special, general, compensatory, and/or punitive damages as allowed by law.

B. Fourteenth Amendment Violations

34. The wrongful conduct of detaining and firing a deadly weapon at, and killing Nathaniel, who was no threat to the Police, as above described, violated Nathaniel's Fourteenth Amendment's due process right to life and liberty under the United States Constitution, in violation of 42 U.S.C. § 1983.

35. As a direct and proximate result of the intentional and/or willful, wanton and/or gross negligence and carelessness of Defendants WELCH and GANDEZA as aforesaid, Plaintiffs JULIEANN NAKI, individually, as the mother of NATHANIEL and RAYMOND K. NAKI, SR., as father of NATHANIEL have suffered and continue to suffer a loss of familial companionship and society and other damages in an amount to be proven at trial.

COUNT II - Intentional Infliction of Emotional Distress

36. Plaintiffs reallege and incorporates by reference herein paragraphs 1 – 35 herein above as though fully set forth in this cause of action.

37. The Naki family residence was approximately 200 yards away from the scene of the shooting. After hearing of shots fired by Defendants WELCH and GANDEZA, Plaintiffs JULIEANN NAKI, RAYMOND K. NAKI, SR., RAYMOND K. NAKI, JR., TERINA NAKI and PALMER NAKI immediately

hurried to the scene and was told by a neighbor and/or passerby that Nathaniel was shot and lay dying in the street. Police officers at the scene cordoned off the area, thus not allowing plaintiffs to attempt to care for Nathaniel, who was bleeding to death. Each plaintiff was in eye and earshot of Nathaniel as he lay in the street gurgling and horribly moaning as he expired.

38. As a direct and proximate result of the intentional and/or willful and wanton conduct and/or gross negligence and carelessness of WELCH and GANDEZA, in shooting and killing their son and sibling, Plaintiffs JULIEANN NAKI, RAYMOND K. NAKI, SR., RAYMOND K. NAKI, JR., ANTHONY NAKI, TERINA NAKI and PALMER NAKI who were denied the right to comfort Nathaniel as he died, have suffered and continue to suffer extreme mental and emotional distress from witnessing Nathaniel's body on the street, the sounds emanating from him and his eventual demise.

39. As a direct and proximate result of the aforesaid conduct of WELCH and GANDEZA, Plaintiffs JULIEANN NAKI, RAYMOND K. NAKI, SR., RAYMOND K. NAKI, JR., ANTHONY NAKI, TERINA NAKI and PALMER NAKI have suffered loss of society, love and affection, companionship, comfort and protection and pecuniary loss and such other damages as may be compensated by law resulting from the death of their son and/or sibling.

40. As a direct and proximate result of the aforesaid conduct of WELCH and GANDEZA and each of them, Plaintiffs JULIEANN NAKI, RAYMOND K. NAKI, SR., RAYMOND K. NAKI, JR., ANTHONY NAKI, TERINA NAKI and PALMER NAKI are entitled to damages in an amount to be proven at trial.

COUNT III - Wrongful Death

41. Plaintiffs JULIEANN NAKI, Individually, and as Special Administrator of the Estate of NATHANIEL JOSHUA NA WA'E WA'E MAKALA KA KAI NAKI and RAYMOND K. NAKI, SR., reallege and incorporates by reference herein paragraphs 1 - 40 herein above as though fully set forth in this cause of action.

42. Officers WELCH and GANDEZA by their conduct in discharging their firearms as herein alleged, directly, and proximately caused Nathaniel's death.

43. The above defendant officers' conduct was neither privileged nor justified under statute or common law.

44. The conduct of Officers WELCH and GANDEZA, as set forth herein, was in total and utter disregard of the rights and privileges of Nathaniel and with knowledge that Nathaniel would suffer injury or death as result.

45. As a direct and proximate result of the said intentional conduct and/or negligence and carelessness of Officers WELCH and GANDEZA,

Plaintiffs JULIEANN NAKI, as Special Administrator of the Estate of NATHANIEL JOSHUA NA WA'E WA'E MAKALA KA KAI NAKI is entitled to special, general and/or punitive damages in an amount to be proven at trial.

46. As a direct and proximate result of the said intentional conduct and/or negligence and carelessness of Officers WELCH and GANDEZA, JULIEANN NAKI and RAYMOND K. NAKI, SR., suffered and continue to suffer a loss of familial companionship and society and other damages in an amount to be proven at trial.

COUNT IV - Negligent Infliction of Emotional Distress, Pain and Suffering

47. Plaintiff JULIEANN NAKI, as Special Administrator of the Estate of NATHANIEL JOSHUA NA WA'E WA'E MAKALA KA KAI NAKI realleges and incorporates by reference herein paragraphs 1 - 46 herein above as though fully set forth in this cause of action.

48. Prior to firing their weapons Officers WELCH and GANDEZA knew Nathaniel was a vulnerable due to his mental state. WELCH personally knew Nathaniel, having attended the same church. Both officers knew of the facts and circumstances surrounding Nathaniel's mental state yet with this understanding, failed to take precautions to protect him.

49. Officers WELCH and GANDEZA, knew or should have known that Nathaniel was at substantial risk of death by their actions, but failed to properly handle or defuse the situation.

50. The negligent conduct of Officers WELCH and GANDEZA, as set forth hereinabove, was the proximate and legal cause of injuries and damages suffered by Nathaniel, including but not limited to excruciating pain and suffering and severe mental anguish and emotional trauma prior to his death, his eventual death, loss of earnings and such other special damages as will be proved at trial.

COUNT V - Malicious, willful, and wanton conduct

51. Plaintiff JULIEANN NAKI, as Special Administrator of the Estate of NATHANIEL JOSHUA NA WA'E WA'E MAKALA KA KAI NAKI reallege and incorporates by reference herein paragraphs 1 - 50 herein above as though fully set forth in this cause of action.

52. The conduct of Officers WELCH and GANDEZA, as alleged herein, was intentional, malicious, willful, and wanton which warrants the imposition of punitive damages against them in amounts to be shown at trial.

COUNT VI - Negligence, vicarious liability and Respondeat Superior

53. Plaintiffs reallege and incorporates by reference herein paragraphs 1 - 52 herein above as though fully set forth in this cause of action.

54. Officers WELCH and GANDEZA were acting under the actual and/or apparent authority and/or agency of the County of Maui and in the course and scope of their employment. Therefore, the County of Maui is liable for all acts and/or omissions of Officers WELCH and GANDEZA under the theory of apparent authority/agency or is otherwise vicariously liable for their acts and/or omissions under the theory of apparent authority/agency.

55. At all times herein mentioned, Defendants COUNTY, POLICE DEPARTMENT and DOES, inclusive, were subject to a duty of care to protect Nathaniel. The wrongful conduct of Defendants Officers WELCH and GANDEZA, as set forth herein, did not comply with the standard of care to be exercised by reasonable police officers, directly and/or proximately causing Plaintiffs to suffer injuries and damages as set forth herein. Pursuant to *Hawai`i Revised Statutes* § 46-1.5, Defendant COUNTY is vicariously liable as *respondeat superior* to Plaintiffs for injuries and damages suffered as alleged herein, incurred as a direct and/or proximate result of the aforementioned wrongful conduct of Officers WELCH and GANDEZA in violating HRS § 703-307 among other rules, regulations and laws.

56. As a direct and proximate result of Defendants' aforesaid conduct, Nathaniel was assassinated and Plaintiffs suffered severe emotional and mental

distress and injury, having a traumatic effect on Plaintiffs' emotional tranquility, and suffered damages as herein set forth.

WHEREFORE, Plaintiffs pray that judgment be entered in their favor and against the named Defendants, jointly and severally, as follows:

A. For general damages, special damages, non-economic damages, economic damages, and punitive damages, as applicable, against Defendant COUNTY OF MAUI, and Officers WELCH and GANDEZA, and/or DOE POLICE OFFICERS, and/or POLICE DEPARTMENT and /or Defendant DOES, and each of them in amounts to be shown at trial.

B. For reasonable attorney's fees, pre-judgment interest, taxable costs, and such other and further relief as the Court deems just and proper.

DATED: Honolulu, Hawai`i, February 29, 2024.

Law Office of:
HARRISON & MATSUOKA

/s/ William A. Harrison
WILLIAM A. HARRISON
Attorney for Plaintiffs
JULIEANN NAKI, Individually, and as
Special Administrator of the Estate of
NATHANIEL JOSHUA NA WA'E WA'E
MAKALA KA KAI NAKI, RAYMOND K.
NAKI, SR., RAYMOND K. NAKI, JR.,
ANTHONY NAKI, TERINA NAKI and
PALMER NAKI