

U.S. District Court
District of Hawaii (Hawaii)
CIVIL DOCKET FOR CASE #: 1:09-cv-00336-SOM-BMK
Internal Use Only

Oklevueha Native American Church of Hawaii, Inc. et al v.
Holder et al
Assigned to: JUDGE SUSAN OKI MOLLWAY
Referred to: Judge BARRY M. KURREN
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 07/22/2009
Date Terminated: 10/26/2010
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

**Oklevueha Native American Church of
Hawaii, Inc.**

represented by **Michael A. Glenn**
1188 Bishop St Ste 3101
Honolulu, HI 96813
523-3079
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Michael Rex Mooney
also known as
Raging Bear

represented by **Michael A. Glenn**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.


Defendant

Eric H. Holder, Jr.
as U.S. Attorney General






represented by **Derrick K. Watson**
Office of the United States Attorney
300 Ala Moana Blvd Ste 6100
Honolulu, HI 96850
808 541-2850
Email: derrick.watson@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED








James C. Luh
United States Department of Justice
20 Massachusetts Ave. NW
Washington, DC 20530
202-514-4938
Email: James.Luh@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED







Defendant**Michele Leonhart***as Acting Administrator of the U.S. Drug Enforcement Administration*represented by **Derrick K. Watson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED**James C. Luh**(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED**Defendant****Edward H. Kubo, Jr.***as U.S. Attorney for the District of Hawaii*
TERMINATED: 10/22/2009represented by **Derrick K. Watson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED**James C. Luh**(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED**Defendant****Florence T. Nakakuni***U.S. Attorney for the District of Hawaii*represented by **Derrick K. Watson**
Office of the United States Attorney
Prince Kuhio Federal Building
300 Ala Moana Blvd Ste 6100
Honolulu, HI 96850
808 541-2850
Email: derrick.watson@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED**James C. Luh**United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave. NW
Washington, DC 20530
202-514-4938
Email: James.Luh@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED







Date Filed	#	Docket Text
07/22/2009	 1	COMPLAINT FOR DECLARATORY RELIEF AND FOR PRELIMINARY AND PERMANENT INJUNCTION against all defendants (Filing fee \$ 350.) - filed by Oklevueha Native American Church of Hawaii, Inc., Michael Rex Mooney. (Attachments: # 1 Summons issued, # 2 Civil Cover Sheet)(emt,) (Entered:)







		07/22/2009)
07/22/2009	2	Order Setting Rule 16 Scheduling Conference for 09:00AM on 10/19/2009 before Judge BARRY M. KURREN - Signed by CHIEF JUDGE SUSAN OKI MOLLWAY on 7/22/09. (Attachments: # 1 Memo from Clerk Re: Corporate Disclosure Statements)(emt,) (Entered: 07/22/2009)
07/22/2009	3	Filing fee: \$ 350, receipt number 248360 (emt,) (Entered: 07/22/2009)
08/12/2009	4	RULE 7.1 STATEMENT; Certificate of Service - by Oklevueha Native American Church of Hawaii, Inc. (emt,) (Entered: 08/12/2009)
09/14/2009	5	NOTICE of Appearance by James C. Luh on behalf of Eric H. Holder, Jr, Michele Leonhart, Edward H. Kubo, Jr on behalf of Eric H. Holder, Jr, Michele Leonhart, Edward H. Kubo, Jr. (Attachments: # 1 Certificate of Service)(Luh, James) (Entered: 09/14/2009)
09/22/2009	6	EO: Rule 16 Scheduling Conference set for 10/19/2009 is CONTINUED to 10/29/2009 at 10:00 AM before Judge BARRY M. KURREN. Scheduling Conference statements due 10/22/2009. (Judge BARRY M. KURREN)(kur1) <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 09/22/2009)
10/05/2009	7	REPORT OF PARTIES PLANNING MEETING; Certificate of Service - by Oklevueha Native American Church of hawaii, Inc. and Michael Rex "Raging Bear" Mooney. (emt,) (Entered: 10/06/2009)
10/09/2009	8	SUPPLEMENT re 7 Report of Planning Meeting by Eric H. Holder, Jr, Michele Leonhart, Edward H. Kubo, Jr (<i>Defendants' Supplemental Report</i>). (Attachments: # 1 Certificate of Service)(Luh, James) (Entered: 10/09/2009)
10/13/2009	9	PROOF OF SERVICE [SUMMONS Returned Executed - by Oklevueha Native American Church of Hawaii, Inc., Michael Rex Mooney. Eric H. Holder, Jr served on 8/18/2009, answer due 10/19/2009; Michele Leonhart served on 8/14/2009, answer due 10/13/2009; Edward H. Kubo, Jr served on 8/24/2009, answer due 10/23/2009. (Attachments: # 1 Attachment 1, # 2 Attachment 2, # 3 Certificate of Service)(emt,) (Entered: 10/14/2009)
10/20/2009	10	NOTICE of Appearance by Derrick K. Watson on behalf of Eric H. Holder, Jr, Michele Leonhart, Edward H. Kubo, Jr on behalf of Eric H. Holder, Jr, Michele Leonhart, Edward H. Kubo, Jr. (Watson, Derrick) (Entered: 10/20/2009)
10/22/2009	11	Scheduling Conference Statement (<i>Defendants' Scheduling Conference Statement</i>). (Attachments: # 1 Certificate of Service)(Luh, James) (Entered: 10/22/2009)
10/22/2009	12	MOTION to Dismiss, MOTION to Dismiss for Lack of Jurisdiction (<i>Defendants' Notice of Motion and Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim</i>) James C. Luh appearing for Defendants Eric H. Holder, Jr, Michele Leonhart, Edward H. Kubo, Jr (Attachments: # 1 Defendants' Memorandum in Support of Motion to Dismiss, # 2 Certificate of Service)(Luh,









		James) (Entered: 10/22/2009)
10/22/2009	 13	SCHEDULING CONFERENCE STATEMENT; Certificate of Service - by Oklevueha Native American Church of Hawaii, Inc., Michael Rex "Raging Bear" Mooney. (emt,) (Entered: 10/22/2009)
10/26/2009	 14	NOTICE of Hearing on Motion 12 MOTION to Dismiss MOTION to Dismiss for Lack of Jurisdiction (<i>Defendants' Notice of Motion and Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim</i>) MOTION to Dismiss for Lack of Jurisdiction (<i>Defendants' Notice of Motion and Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim</i>) .: Motion Hearing set for 1/12/2010 09:00 AM before JUDGE SUSAN OKI MOLLWAY. (tbf,) <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry. (Entered: 10/26/2009)
10/29/2009	 15	EP: Rule 16 Scheduling Conference held. New dates and deadlines given, as shown below. Court to prepare order. Bench Trial set for 10/13/2010 at 9:00 AM before JUDGE SUSAN OKI MOLLWAY. Final Pretrial Conference set for 8/31/2010 at 9:00 AM before Judge BARRY M. KURREN. Settlement Conference set for 7/21/2010 at 10:00 AM in chambers before Judge BARRY M. KURREN. Motions due 5/12/2010. Discovery due 8/13/2010. (C6 no record 10:09-10:16 AM.) (Judge BARRY M. KURREN)(kur1) <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 10/29/2009)
10/30/2009	 16	RULE 16 SCHEDULING ORDER - Signed by Judge BARRY M. KURREN on 10/30/09. (emt,) <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 10/30/2009)
12/29/2009	 17	NOTICE by Eric H. Holder, Jr, Florence T. Nakakuni, Michele Leonhart re 12 MOTION to Dismiss MOTION to Dismiss for Lack of Jurisdiction (<i>Defendants' Notice of Motion and Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim</i>) MOTION to Dismiss for Lack of Jurisdiction (<i>Defendants' Notice of Motion and Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim</i>) (<i>Defendants' Notice Regarding Defendants' Reply in Support of Motion to Dismiss</i>) Eric H. Holder, Jr, Florence T. Nakakuni, Michele Leonhart. (Attachments: # 1 Certificate of Service)(Luh, James)






		(Entered: 12/29/2009)
01/04/2010	 18	EO: Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim set for 1/12/10 @ 9:00 a.m. is continued to 2/22/10 @ 9:00 a.m. SOM. Parties notified.Ripe deadline re: 12 MOTION to Dismiss MOTION to Dismiss for Lack of Jurisdiction (<i>Defendants' Notice of Motion and Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim</i>) MOTION to Dismiss for Lack of Jurisdiction (<i>Defendants' Notice of Motion and Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim</i>), 12 MOTION to Dismiss MOTION to Dismiss for Lack of Jurisdiction (<i>Defendants' Notice of Motion and Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim</i>) MOTION to Dismiss for Lack of Jurisdiction (<i>Defendants' Notice of Motion and Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim</i>). set for 2/22/2010. Motion Hearing set for 2/22/2010 09:00 AM before JUDGE SUSAN OKI MOLLWAY. (JUDGE SUSAN OKI MOLLWAY)(tbf,) CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 01/04/2010)
01/28/2010	 19	MEMORANDUM in Opposition to 12 Defendants' MOTION to Dismiss; Certificate of Service - filed by Michael Rex Mooney, Oklevueha Native American Church of Hawaii, Inc. (emt,) (Entered: 01/29/2010)
01/28/2010	 20	AFFIDAVIT of Michael Rex "Raging Bear" Mooney in Opposition to 12 Defendants' MOTION to Dismiss - by Michael Rex Mooney. ~ <i>The affidavit does not bear original signatures. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Certificate of Service)</i> (emt,) (Entered: 01/29/2010)
02/05/2010	 21	REPLY re 12 MOTION to Dismiss MOTION to Dismiss for Lack of Jurisdiction (<i>Defendants' Notice of Motion and Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim</i>) MOTION to Dismiss for Lack of Jurisdiction (<i>Defendants' Notice of Motion and Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim</i>) (<i>Defendants' Reply in Support of Motion to Dismiss</i>) filed by Eric H. Holder, Jr, Michele Leonhart, Florence T. Nakakuni. (Attachments: # 1 Certificate of Service)(Luh, James) (Entered: 02/05/2010)
02/19/2010	 22	INCLINATIONS - by CHIEF JUDGE SUSAN OKI MOLLWAY. (emt,) (Entered: 02/19/2010)
02/19/2010		COURT'S CERTIFICATE of Service - a copy of 22 "INCLINATIONS" has been served by First Class Mail to the addresses of record on February 19, 2010. Registered Participants of CM/ECF received the document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). (emt,) (Entered: 02/19/2010)
02/22/2010	 23	EP: Defendants Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim 12 -Discussion held re: Michael Glenns possible conflict of interest with his client - objection by Mr. Glenn.Court requests that Mr. Glenn to obtain a written waiver from his client - objection by Mr. Glenn.Mr. Glenn and his client request that the Court proceed with this hearing.ArgumentsDefendants Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim 12 -

		taken under advisement.Court to issue a written order within the next day or so.Motion Hearing held on 2/22/2010 re 12 MOTION to Dismiss MOTION to Dismiss for Lack of Jurisdiction (<i>Defendants' Notice of Motion and Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim</i>) MOTION to Dismiss for Lack of Jurisdiction (<i>Defendants' Notice of Motion and Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim</i>) filed by Michele Leonhart, Eric H. Holder, Jr., Edward H. Kubo, Jr., Motions Taken Under Advisement: 12 MOTION to Dismiss MOTION to Dismiss for Lack of Jurisdiction (<i>Defendants' Notice of Motion and Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim</i>) MOTION to Dismiss for Lack of Jurisdiction (<i>Defendants' Notice of Motion and Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim</i>). (Court Reporter Debra Chun.) (JUDGE SUSAN OKI MOLLWAY)(tbf,)No COS issued for this docket entry (Entered: 02/22/2010)
02/23/2010	 24	Facsimile CONFIRMATION Re: Inclinations sent to Michael Glenn, Esq. on February 19, 2010. (emt,) (Entered: 02/23/2010)
02/23/2010	 25	ORDER DISMISSING COMPLAINT 12 - Signed by CHIEF JUDGE SUSAN OKI MOLLWAY on 2/23/10. (This dismissal of the Complaint on ripeness grounds makes it unnecessary for the court to rule on the other arguments raised by Defendants. Plaintiffs may file an Amended Complaint no later than March 22, 2010. Any Amended Complaint must cure, if it can, the deficiencies outlined by this order, as well as the other alleged deficiencies raised by Defendants in their motion. If Plaintiffs fail to file an Amended Complaint by that date, the Clerk of Court is directed to enter judgment in favor of Defendants.) (emt,) (Entered: 02/23/2010)
02/24/2010		COURT'S CERTIFICATE of Service - a copy of 25 "ORDER DISMISSING COMPLAINT" has been served by First Class Mail to the addresses of record on February 24, 2010. Registered Participants of CM/ECF received the document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). (emt,) (Entered: 02/24/2010)
03/22/2010	 26	FIRST AMENDED COMPLAINT FOR DECLARATORY RELIEF AND FOR PERMANENT INJUNCTIVE RELIEF - against Eric H. Holder, Jr, Michele Leonhart, Florence T. Nakakuni filed by Oklevueha Native American Church of Hawaii, Inc., Michael Rex Mooney.(emt,) (Entered: 03/22/2010)
03/31/2010	 27	TRANSCRIPT of Proceedings Motion to Dismiss held on 2/22/10 before Judge Susan Oki Mollway. Court Reporter Debra Chun, Telephone number 808 534-0667. Transcript may be viewed at the court public terminal or ordered through the Court Reporter before the deadline for Release of Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a), FRCrP 49.1(a), and FRBP 9037(a). Redaction Request due 4/19/2010. Redacted Transcript Deadline set for 4/28/2010. Release of Transcript Restriction set for 6/28/2010. (dc@hid.uscourts.gov) pp. 37. (Entered: 03/31/2010)
04/08/2010	 28	MOTION to Dismiss, MOTION to Dismiss for Lack of Jurisdiction (<i>Defendants' Notice of Motion and Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim</i>) James C. Luh appearing for Defendants Eric H. Holder, Jr, Michele Leonhart, Florence T. Nakakuni (Attachments: # 1 Memorandum Defendants' Memorandum in Support of Motion to Dismiss, # 2 Certificate of Compliance with Word Limitation, # 3 Certificate of Service)(Luh, James) (Entered: 04/08/2010)

04/08/2010	 29	<p>NOTICE of Hearing on Motion 28 MOTION to Dismiss MOTION to Dismiss for Lack of Jurisdiction (<i>Defendants' Notice of Motion and Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim</i>) MOTION to Dismiss for Lack of Jurisdiction (<i>Defendants' Notice of Motion and Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim</i>) .: Motion Hearing set for 6/21/2010 10:30 AM before JUDGE SUSAN OKI MOLLWAY. (tbf,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry. (Entered: 04/08/2010)</p>
04/20/2010	 30	<p>EO: At the request of the parties, Status Conference Re: Trial Date and Other Deadlines set for 5/4/2010 @ 9:00 AM before Judge BARRY M. KURREN. Michael A. Glenn and James C. Luh to participate by phone. (Judge BARRY M. KURREN)(tyk)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 04/20/2010)</p>
05/04/2010	 31	<p>EP: Status Conference Re Trial Date and Other Deadlines held. The following deadlines are vacated: April 12, 2010 - Plaintiff's expert witness disclosure deadline; May 12, 2010 - Dispositive motions deadline; and May 12, 2010 - Defendant's expert witness disclosure deadline. A Status Conference Following Dispositive Motion Hearing and a Rescheduling Conference are set for 7/12/2010 at 9:30 a.m. before Judge Barry M. Kurren. Counsel may participate by phone by notifying Judge Kurren's Courtroom Manager (808-541-1306) of the phone number you will be reachable at for these Conferences.(C6 no record 9:00-9:15am.) (Judge BARRY M. KURREN)(kur2)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 05/04/2010)</p>
05/28/2010	 32	<p>MEMORANDUM IN OPPOSITION TO 28 DEFENDANT'S SECOND MOTION TO DISMISS; Certificate of Service - filed by Michael Rex Mooney, Oklevueha Native American Church of Hawaii, Inc. (emt,) (Entered: 05/28/2010)</p>
06/07/2010	 33	<p>REPLY to Response to Motion re 28 MOTION to Dismiss MOTION to Dismiss for Lack of Jurisdiction (<i>Defendants' Notice of Motion and Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim</i>) MOTION to Dismiss for Lack of Jurisdiction (<i>Defendants' Notice of Motion and Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim</i>) (<i>Defendants' Reply in Support of Motion to Dismiss</i>) filed by Eric H. Holder, Jr, Michele Leonhart, Florence T. Nakakuni. (Attachments: # 1 Certificate of Service)(Luh, James) (Entered: 06/07/2010)</p>
06/18/2010		<p>EO: The motion set for hearing on June 21, 2010, will be decided without a hearing, pursuant to Local Rule 7.2(d). Motion Taken Under Advisement: 28 MOTION to Dismiss MOTION to Dismiss for Lack of Jurisdiction (<i>Defendants' Notice of Motion and Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim</i>) MOTION to Dismiss for Lack of Jurisdiction (<i>Defendants' Notice of Motion and Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim</i>). (JUDGE SUSAN OKI MOLLWAY)(tbf,)</p>

		<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 06/18/2010)</p>
06/22/2010	 34	<p>ORDER GRANTING IN PART AND DENYING IN PART MOTION TO DISMISS FIRST AMENDED COMPLAINT 28 - Signed by CHIEF JUDGE SUSAN OKI MOLLWAY on 6/22/2010. ["[T]he court dismisses the preenforcement and tort claims asserted in the First Amended Complaint. The court, however, does not dismiss the claim for the return of or compensation for the cannabis allegedly seized last year."] (afc)</p> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications will be served by first class mail on June 23, 2010. (Entered: 06/22/2010)</p>
06/29/2010	 35	<p>MOTION for Reconsideration re 34 Order on Motion to Dismiss, Order on Motion to Dismiss/Lack of Jurisdiction,,,,, (<i>Defendants' Motion for Clarification or Partial Reconsideration of Order Granting in Part and Denying in Part Motion to Dismiss First Amended Complaint</i>) James C. Luh appearing for Defendants Eric H. Holder, Jr, Michele Leonhart, Florence T. Nakakuni (Attachments: # 1 Memorandum, # 2 Certificate of Service)(Luh, James) (Entered: 06/29/2010)</p>
06/29/2010	 36	<p>ORDER DENYING MOTION FOR CLARIFICATION OR RECONSIDERATION (DOCKET NO. 35) 35 . Signed by JUDGE SUSAN OKI MOLLWAY on 6/29/10. (eps)</p> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications will be served by first class mail on 06/30/2010 (Entered: 06/29/2010)</p>
07/06/2010	 37	<p>ANSWER to 26 Amended Complaint (<i>Defendants' Answer to First Amended Complaint</i>) by Eric H. Holder, Jr, Michele Leonhart, Florence T. Nakakuni. (Attachments: # 1 Certificate of Service)(Luh, James) (Entered: 07/06/2010)</p>
07/12/2010	 38	<p>EP: Status Conference Following Dispositive Motion Hearing and Rescheduling Conference held. All dates and deadlines are VACATED. New dates and deadlines given, as shown below. Court to prepare an amended scheduling order. Discovery due 1/7/2011. Motions due 10/6/2010. Bench Trial set for 3/8/2011 at 9:00 AM before JUDGE SUSAN OKI MOLLWAY. Final Pretrial Conference set for 1/25/2011 at 9:00 AM before Judge BARRY M. KURREN. Settlement Conference set for 12/17/2010 at 10:30 AM in chambers before Judge BARRY M. KURREN. (C6 no record 9:27-9:33 AM.) (Judge BARRY M. KURREN)(kur1)</p> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 07/12/2010)</p>
07/13/2010	 39	<p>AMENDED RULE 16 SCHEDULING ORDER - Signed by Judge BARRY M. KURREN on 7/13/10. (emt,)</p> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications shall be served by First Class Mail on July 14, 2010. (Entered: 07/13/2010)</p>

07/22/2010	 40	MOTION to Dismiss for Lack of Jurisdiction, MOTION for Judgment on the Pleadings (<i>Defendants' Notice of Motion and Motion to Dismiss for Lack of Jurisdiction and for Judgment on the Pleadings</i>) James C. Luh appearing for Defendants Eric H. Holder, Jr, Michele Leonhart, Florence T. Nakakuni (Attachments: # 1 Memorandum, # 2 Exhibit A, # 3 Certificate of Service)(Luh, James) (Entered: 07/22/2010)
07/23/2010	 41	NOTICE of Hearing on Motion 40 Defendants Eric H. Holder, Jr., Michele Leonhart and Florence T. Nakakuni's MOTION to Dismiss for Lack of Jurisdiction/ MOTION for Judgment on the Pleadings set for hearing 10/25/2010 at 09:00 AM before JUDGE SUSAN OKI MOLLWAY. (lls,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry. (Entered: 07/23/2010)
09/16/2010	 42	MOTION for Status Conference (<i>Defendants' Request for Status Conference</i>) James C. Luh appearing for Defendants Eric H. Holder, Jr, Michele Leonhart, Florence T. Nakakuni (Attachments: # 1 Certificate of Service)(Luh, James) (Entered: 09/16/2010)
09/21/2010	 43	EO: 42 Defendants' Request for Status Conference is GRANTED. A Status Conference is set for 9/29/2010 at 2:00 p.m. before Judge Barry M. Kurren. (Judge BARRY M. KURREN)(kur2) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 09/21/2010)
09/29/2010	 44	EP: Status Conference held. Per the agreement of the parties, the deadlines for dispositive motions and expert witness disclosures are CONTINUED to 11/30/2010. (C6 no record 2:00-2:10 PM.) (Judge BARRY M. KURREN)(kur1) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 09/29/2010)
10/04/2010	 45	MEMORANDUM in Opposition to 40 Defendants' Third MOTION to Dismiss; Certificate of Service - filed by Michael Rex Mooney, Oklevueha Native American Church of Hawaii, Inc. (emt,) (Entered: 10/05/2010)
10/08/2010	 46	REPLY to Response to Motion re 40 MOTION to Dismiss for Lack of Jurisdiction MOTION for Judgment on the Pleadings (<i>Defendants' Notice of Motion and Motion to Dismiss for Lack of Jurisdiction and for Judgment on the Pleadings</i>) MOTION for Judgment on the Pleadings (<i>Defendants' Notice of Motion and Motion to Dismiss for Lack of Jurisdiction and for Judgment on the Pleadings</i>) (<i>Defendants' Reply in Support of Motion to Dismiss and for Judgment on the Pleadings</i>) filed by Eric H. Holder, Jr, Michele Leonhart, Florence T. Nakakuni. (Attachments: # 1 Certificate of Service)(Luh, James) (Entered: 10/08/2010)
10/25/2010	 47	EP: Defendants Eric H. Holder, Jr., Michele Leonhart and Florence T. Nakakuni's Motion to Dismiss for Lack of Jurisdiction/Motion for Judgment on the Pleadings 40 -Arguments.Defendants Eric H. Holder, Jr., Michele Leonhart and Florence T. Nakakuni's Motion to Dismiss for Lack of Jurisdiction/Motion for Judgment on the

		Pleadings 40 - taken under advisement. Court to issue a written order. Motion Hearing held on 10/25/2010 re 40 MOTION to Dismiss for Lack of Jurisdiction MOTION for Judgment on the Pleadings (<i>Defendants' Notice of Motion and Motion to Dismiss for Lack of Jurisdiction and for Judgment on the Pleadings</i>) MOTION for Judgment on the Pleadings (<i>Defendants' Notice of Motion and Motion to Dismiss for Lack of Jurisdiction and for Judgment on the Pleadings</i>) filed by Michele Leonhart, Eric H. Holder, Jr., Florence T. Nakakuni, Motions Taken Under Advisement: 40 MOTION to Dismiss for Lack of Jurisdiction MOTION for Judgment on the Pleadings (<i>Defendants' Notice of Motion and Motion to Dismiss for Lack of Jurisdiction and for Judgment on the Pleadings</i>) MOTION for Judgment on the Pleadings (<i>Defendants' Notice of Motion and Motion to Dismiss for Lack of Jurisdiction and for Judgment on the Pleadings</i>). (Court Reporter Debra Chun.) (JUDGE SUSAN OKI MOLLWAY)(tbf,)No COS issued for this docket entry (Entered: 10/25/2010)
10/26/2010	 48	ORDER DISMISSING REMAINING CLAIMS 40 - Signed by CHIEF JUDGE SUSAN OKI MOLLWAY on 10/26/10. (Because there are no claims remaining for adjudication, the Clerk of Court is directed to enter judgment in favor of Defendants and to close this case.) (emt,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 10/26/2010)
10/26/2010	 49	JUDGMENT entered on 10/26/10 pursuant to 48 ORDER DISMISSING REMAINING CLAIMS. (emt,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 10/26/2010)
10/27/2010		EO: In light of the 49 Judgment entered on 10/26/2010, all dates and deadlines are VACATED. (Judge BARRY M. KURREN)(kur2) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 10/27/2010)
11/24/2010	 50	NOTICE OF APPEAL as to 48 , 49 - by Michael Rex Mooney, Oklevueha Native American Church of Hawaii, Inc.. (Filing fee \$ 455.) (emt,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry. The Ninth Circuit Court of Appeals received the Notice of Appeal through ECF. (Entered: 11/24/2010)
11/24/2010	 51	USCA Appeal Fees received \$ 455 receipt number 253611 re 50 Notice of Appeal,, filed by Michael Rex Mooney, Oklevueha Native American Church of Hawaii, Inc. (emt,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry. The Ninth Circuit Court of Appeals received the payment notification through ECF. (Entered: 11/24/2010)