

APPENDIX A

Hawaii Supreme Court (Election Objection Case Directs only to this Court). Final Order on 10/2/2020

**Electronically Filed  
Supreme Court  
SCEC-20-0000507  
02-OCT-2020  
12:06 PM**

SCEC-20-0000507

IN THE SUPREME COURT OF THE STATE OF HAWAII

---

BRIAN EVANS, Plaintiff,

vs.

KAIALI'I (KAI) KAHELE, Defendant.

---

ORIGINAL PROCEEDING

FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT

(By: Recktenwald, C.J., Nakayama, McKenna, and Wilson, JJ.,  
and Circuit Judge Ashford, assigned by reason of vacancy)

Upon consideration of the August 11, 2020 election  
complaint filed by Plaintiff Brian Evans, the September 25, 2020  
motion to dismiss filed by Respondent Scott Nago, Chief Election  
Officer, and Plaintiff's opposition to the motion to dismiss the  
complaint, and having heard this matter without oral argument, we  
set forth the following findings of fact and conclusions of law  
and enter the judgment in accordance with HRS § 11-173.5.

FINDINGS OF FACT

1. Plaintiff Brian Evans (Plaintiff) was one of four candidates in the democratic primary election for the office of U.S. Representative, District II in the August 8, 2020 primary election.

2. According to the final primary election summary printout, the election results for the democratic primary election for U.S. Representative, District II were:

Kahele, Kaiali'i (Kai)	100,841	(65.8%)
Evans, Brian	12,337	( 8.1%)
Lee, Brenda L. Machado	10,694	( 7.0%)
Famera, Noelle	7,992	( 5.2%)
Blank Votes	20,904	(13.6%)
Over Votes	381	( 0.2%)

3. Plaintiff contends Kahele purposely availed himself of active duty with the assistance of co-conspirators within his campaign in an effort to avoid a full and fair campaign process and deprive all other candidates of their right to a fair race and public knowledge of the candidates. He further states that this was done to avoid debates with opponents in his own party and to deprive other candidates of their fair opportunities to appear in the media. Thus, he contends the court should strike Kahele as a candidate for the office and order an investigation into this matter.

4. In the motion to dismiss Plaintiff's election contest complaint, the Chief Election Officer contends the complaint fails to state a claim upon which relief can be granted and the relevant election contest statutes limit the supreme court's jurisdiction to deciding which candidate was nominated or elected, and thus, the court cannot grant the relief requested.

#### CONCLUSIONS OF LAW

1. HRS § 11-172 provides that a copy of the complaint for an election contest "shall be delivered to the chief election officer or the clerk in the case of county election " See Han v.

Manahan, SCEC-12-0000716, 2012 WL 3667313, (Haw. Aug. 27, 2012) (concluding that in an election contest involving a county election, the City Clerk was a necessary and indispensable party who should have been named as a defendant and served with a copy of the complaint).

2. The democratic primary election for the office of the United States Representative, District II, is a state election administered by the State Office of Elections. The Chief Election Officer, therefore, is a necessary and indispensable party who should have been named as a defendant. The record shows the attorney for the Chief Election Officer was served with a copy of the complaint, and this court issued an order directing the Chief Election Officer to appear in this matter to ensure the election contest is decided on the merits.

3. HRS § 11-172 provides in relevant part:

The complaint shall set forth any cause or causes, such as, but not limited to, provable fraud, overages or underages, that could cause a difference in the election results.

4. A complaint challenging the results of an election pursuant to HRS § 11-172 fails to state a claim unless the plaintiff demonstrates errors that would change the outcome of the election. Tataii v. Cronin, 119 Hawai'i 337, 339, 198 P.3d 124, 126 (2008) (citing Akaka v. Yoshina, 84 Hawai'i 383, 387, 935 P.2d 98, 102 (1997)). See also Funakoshi v. King, 65 Haw. 312, 317, 651 P.2d 912, 913 (1982) (Difference in the election results . . . mean[s] a difference sufficient to change the results of the election).

5. [T]he [plaintiff] must show that he or she has actual information of mistakes or errors sufficient to change the result. The [plaintiff] has the burden of demonstrating that the specific acts and conduct of which [he or she] complain[s] would have had the effect of changing the results. In the absence of facts showing that irregularities exceed the reported margin between the candidates, the complaint is legally insufficient because, even if its truth were assumed, the result of the election would not be affected.

It is not sufficient that the [plaintiff] points to a poorly run and inadequately supervised election process that evinces room for abuse or possibilities of fraud. An election contest cannot be based upon mere belief or indefinite information.

Tataii, 119 Hawai'i at 339-40, 198 P.3d at 126-27 (citing Akana v. Yoshina, 84 Hawai'i at 387-388, 935 P.2d at 102-103 (internal quotation marks, brackets and citations omitted)).

6. Upon considering a complaint contesting a primary election, a special primary election, or a county election, the supreme court, pursuant to HRS § 11-173.5, "shall give judgment fully stating all findings of fact and law" and "shall decide what candidate was nominated or elected."

7. Taking Plaintiff's allegations as true and viewing them in the light most favorable to him, it is evident he has presented no set of facts that would entitle him to the requested relief. He does not present specific acts or actual information of mistake or error sufficient to change the election results. Even if the claims regarding Kahele's failure to participate in media campaigns and debates are true, that alone is insufficient to change the results of the election. See Tataii v. Cronin, 119

Hawai‘i at 340, 198 P.3d at 127 (where the plaintiff makes no showing that the defendant was under any obligation to debate plaintiff, the refusal to debate was not an error, mistake or irregularity that would change the result of the election).

8. The remedies sought by Plaintiff -- striking Kahele as a candidate and an investigation into this matter - are not authorized by HRS § 11-173.5(b).

9. The Chief Election Officer’s motion to dismiss is granted.

JUDGMENT

Based upon the foregoing findings of fact and conclusions of law, the judgment is entered dismissing the complaint. Kaiali‘i (Kai) Kahele is the candidate who received the highest number of votes in the democratic primary election for U.S. Representative, District II, and his name shall be placed on the ballot as the democratic candidate in the November 2020 general election.

The clerk of the supreme court shall forthwith serve a certified copy of this judgment on the chief election officer in accordance with HRS § 11-173.5(b).

DATED: Honolulu, Hawai‘i, October 2, 2020.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ James H. Ashford



**APPENDIX B**

**Motion For Default/Default Judgment by Plaintiff**

IN THE HAWAII SUPREME COURT

Brian Evans, Pro Se

v.

Kaialii (“Kai”) Kahele,

Defendant

CIVIL DOCKET FOR CASE #: SSEC-20-0000507

**NOTICE OF DEFAULT – EMERGENCY MOTION FOR DEFAULT JUDGMENT AND**  
**MOTION TO SET ASIDE PRIMARY WIN OF KAIALII “KAI” KAHELE IN**  
**CONTESTED ELECTION FOR FAILURE TO TIMELY REPLY TO COMPLAINT PER**  
**ELECTION LAW OF HAWAII**

Plaintiff, BRIAN EVANS, files this Notice of Default against Kaialii “Kai” Kahele for failure to timely Answer the Complaint served upon him on August 22<sup>nd</sup>, 2020.

Per Hawaii Election law, Defendant knew or should have known that the law firmly states when served with a Complaint, Defendant has “until 4:30 P.M. on the fifth day after they are served.” As of this filing, signed and dated August 31<sup>st</sup>, 2020, it has been more than five days since service (as the mail has been slow, Plaintiff attaches as **Exhibit A** a copy of a corrected Proof of Service date by the Process Server of this Original Complaint and Summons served upon Defendant Kahele on August 22<sup>nd</sup>, 2020).

**HISTORY AND ARGUMENT**

The Defendant was a well-funded candidate in his candidacy for US Congress. Miraculously relieved of “duty” on the *day of the primary*, just one day following another “Lockdown” due to COVID, for which was his reasoning to be “called to duty” in the first place (one would ponder

as to why Defendant would be released on the day of the primary election, and one day after another Hawaii “lockdown” if that was the reason he was “called to duty,” something that candidate Tulsi Gabbard also used in 2018 to avoid debates with other nominees in her own party, as Defendant also has done). This “Call to Duty” deprived all of the other candidates of their ability to be interviewed as no other network would give one candidate time when another was “unavailable.”

It's occurring again, and although unrelated to this case, another candidate for US Congress here in Hawaii, Ed Case, moved his debate from August until October (three days before the general election) against his General Election challenger, knowing most of the ballots will have already been mailed in, depriving his opponent as well of the opportunity to debate. These kind of political tactics must not stand in the State of Hawaii, and if the Defendant cannot even Answer a Complaint duly served upon him under the Laws of Hawaii, within 5 days of service, then it is obvious that he is already thumbing his nose at the law, the voters, and the seriousness of the other candidates in this Election. It is assumed by his campaign that because he is Native Hawaiian, that he needn't reply as the law requires and that this Honorable Court will simply set everything Plaintiff files aside in the end, and that there are no consequences to disregarding the Rules. If an Answer has been filed between the time of this filing and an Answer by the Defendant, it should be struck as untimely. If it still hasn't been filed upon receiving this filing, then it's even more compelling and Defendant should be held as in Default, and Plaintiff should be declared the victor in this race as he received the most votes following the Defendant. This Honorable Court also permitted Plaintiff to serve Defendant via mail in its Order on August 27<sup>th</sup>, although Plaintiff was at that time unaware that the Defendant had already been served as

**Exhibit A** displays.

**DEFENDANT HAS A HISTORY WITH DISREGARDING HAWAII LAW IN ITS**  
**SIMPLEST FORMS**

If the Defendant were to prevail in this case despite clearing being in Default, it would send the message to voters that politicians are above the law, and that all it takes is money, corporate support, and political and SuperPac influence to be able to avoid debates (most of Defendants campaign contributions were from out of Hawaii), violate “The Hatch Act,” supply personal videos to SuperPacs and then claim no knowledge of those SuperPacs running commercials while he’s “on duty,” thus campaigning for him while he’s “away” and then miraculously relieved of duty the day of the primary, and the day after a new “lockdown” was imposed which Defendant claimed was the reason he was “called to duty” in the first place. Hawaii must not allow this to stand or it sends the message that future candidates are worthless, meaningless, because the party will choose and manipulate the voters by calling whomever the front runner is “to duty” rather than actually running for the office they announce they are running for, deprive the other candidates *in their own party* to debate them, which has now occurred two times in a row, in two consecutive elections, and the various manipulations of debate dates that do not equally provide the opportunity for candidates to debate their opponents. **Exhibit B** confirms the other nineteen times that Defendant has disregarded the laws of Hawaii. One would hope that if he was indeed the nominee, that he’s a better congressman than he is at abiding by the laws of simply driving, and now he is in violation of the law in his timely response to this Complaint. I have no doubt that this Honorable Court would not believe an argument that the Defendant was unaware of this Complaint when Plaintiff has announced it via social media, it was on KITV

news that the Complaint was filed, the Plaintiff then sent an email to the Defendants state email address (without response, advising him of this Complaint but ignoring my requests on where I could serve him), Defendant then evaded service at The State Capitol by candidate Noelle Famera when she attempted to serve him, and was finally served at his home of record, which was then accepted by his sister on his behalf. It would be unreasonable to believe that the sister of the Democratic Nominee was served with two lawsuits contesting his election, by his sister who lives with him, and that she wouldn't let him know. The Defendant has known this lawsuit was being served upon him for weeks now and has totally ignored it. The Defendant believes (and may be right, given what the Plaintiff has experienced) that there will simply be no consequences to the Complaints filed by the Defendants and that corporations and power of the DNC that funded the Defendant will simply "watch his back." The law is the law and it applies to everyone, not just to those with huge donations and corporate backers, especially if we want to send the message to future candidates who decided to "run for office" that it even matters when they do. The Defendant was being endorsed by other politicians in this state three months before they even knew who was going to run for office, and then Defendants "call to duty" robbed all of the other candidates from fairly being able to discuss their platforms as the Defendant campaigned *while on duty* through the use of SuperPac funded TV commercials that the Defendant claimed he never knew about, despite them running person home video and photo's of his family. It was campaigning through the back window and this Honorable Court must not allow it, or it will continue to happen, and it will continue to deprive young people who one day want to run for Congress, but who won't due to the fact that the system appears rigged to fail.

## CONCLUSION

Defendant is in Default. Defendant failed to timely Answer the Complaint *contesting his primary win for the US Congress*. If that isn't taken seriously, the Court must ponder as to how many other things won't be, and the message it sends to future candidates and voters across the board. Defendant intentionally attempted to avoid service while at The State House, which resulted in Plaintiff having to have a process server serve him at his home, through his sister, who advised the process server (who can testify to this under Oath) that the Defendant was "in Kona" but accepted service of two Complaints filed against him (he is technically in default of both of the attached duly served Complaints, so it's not merely one Complaint he has thumbed his nose at, but two, filed by two separate candidates in this case. Defendant must be struck as a Candidate, and Defendant must be concluded as the duly elected primary winner. Plaintiff followed the rules, the Defendant has nineteen State of Hawaii examples, and now this case and the case brought by the other candidate in this race, Noelle Famera has been ignored and there is absolutely nothing more important than the confidence in our elections, abiding by the rules of them, and law has been firmly established that a Complaint that is not responded to deems the allegations made in that Complaint as admitted (In Hawaii, see WH Shipman, Ltd. v. Hawaiian Holiday, 802 P.2d 1203 (1990) W.H. SHIPMAN, LIMITED, Plaintiff-Appellee, v. HAWAIIAN HOLIDAY MACADAMIA NUT CO., INC. No. 13758), and In California, entry of default completely cuts off a party's right to appear in the action (e.g., take discovery, file motions other than a motion for relief from default or contest the material allegations of the complaint for purposes of the action). (See Devlin v. Kearny Mesa AMC/Jeep/Renault, Inc. (1984) 155 Cal.App.3d 381, 385-86.). The Court, the Plaintiff prays, will take a stand to let it be known to all parties that no candidate is beneath the other, regardless if it has the backing of billion dollar corporations and SuperPacs, as was the case in this Complaint that the Defendant has failed to

timely enter an appearance for. It should be that simple if the law is to be applied as it is written. No one is going to run for office if they believe the law does not apply to *everybody* in the same way as it is who the major party decides to get behind. What has happened in this election, and indeed 2018, is nothing short of corruption at its finest, deprived the voters of full knowledge of the platforms of other candidates (**Exhibit C** is one email from Hawaii Public Radio, canceling an appearance because of Mr. Kahele's "unavailability"). Plaintiff contends the entire election was a fix from the beginning, and it is up to this Honorable Court to unfix it, so that future generations of candidates do not have to weigh whether or not *they matter* when they run for office, instead of facing who the "party" manipulates the system in order for their candidate to prevail.

Did the Defendant get the most votes? The answer is yes, but only because those who voted him were deprived of the opportunity to know any of the other candidates because of a continued systematic strategy that deprived the rest to be heard. This is all over the internet as it pertains to the public not knowing who the other candidates were, and that was the strategy and Hawai'i must not stand for it or it will continue.

The Defendant had the ability to respond to the duly served Complaint within the time the Court allows for election challenges and the Defendant did not. It is that simple, or it certainly should be. This egomaniacal belief that one can ignore the law because of who they are or know should not deprive the voters of their right to properly see every candidate before rendering a vote.

Plaintiff contends this was a set up all along, a strategy, just as Rep. Ed Case is now doing to the General Election candidate opposing him (rescheduling his 1 debate with his opponent just three days before an all-mail-in general election). The Court must step in and not allow this. If there is any procedural error in this motion, the Defendant had the right to Answer or Challenge that

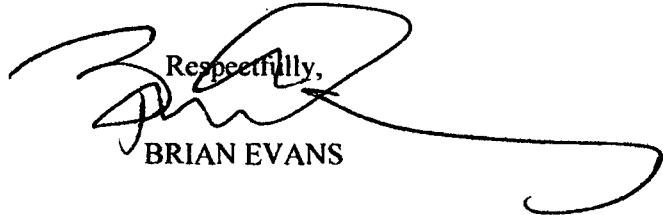
within the time they were given in the complaint per election law of Hawaii. The Defendant did not.

This Court has within its power the ability to in the least, send a message that the candidates have the right to be heard if one of the other candidates decides, volunteers, or is "called to duty" right before an election. If you're going to run for office, then run for office. That's the message this Honorable Court must send. This is not just about me, but the other candidates who ran, and future candidates who will not run if they do not see that the law is applied per the State's own Election contests when a Defendant "get's around" to Answering a Complaint when that election is challenged. For historical purposes if nothing else, Plaintiff attaches to this filing as **Exhibit D** what exactly his own personal platform was during this election, so that future generations may

look upon it.

The Defendant is in Default, and he should be treated the same as if it were I who evaded service, disregarded the law on when to respond after service, and to let those coming up with these schemes to "get behind a candidate" know that the voters will make that determination, and that the public will hear from *all candidates* during an election and that the manipulation will end with an Order from this Court. If one of this Honorable Court's own children one day run for office, what will inspire them to do so?

That is a decision this Court has the opportunity to answer right now.

  
Respectfully,  
BRIAN EVANS

8/31/2020

**IN THE HAWAII SUPREME COURT**

**Brian Evans, Pro Se**

**v.**

**Kaialii (“Kai”) Kahele**

**CIVIL DOCKET FOR CASE #: SCEC-20-0000507**

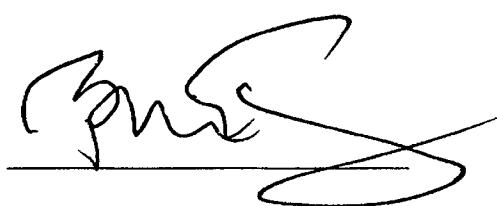
**PROOF OF SERVICE**

A copy of this NOTICE OF DEFAULT – EMERGENCY MOTION FOR DEFAULT JUDGMENT AND MOTION TO SET ASIDE PRIMARY WIN OF KAIALII “KAI” KAHELE IN CONTESTED ELECTION FOR FAILURE TO TIMELY REPLY TO COMPLAINT PER ELECTION LAW OF HAWAII has been mailed to the Defendant at the address for which he was served via prepaid US Postal Mail on this 31<sup>st</sup> day of August, 2020, to:

**Kaialii (“Kai”) Kahele**

**1414 Keneki Place**

**Hilo, Hawaii 96720**



**BRIAN EVANS**

**8/31/2020**

**EXHIBIT A**

IN THE SUPREME COURT OF THE STATE OF HAWAII

Brian Evans,  
Plaintiff

vs.  
Kaialii Kahele,  
Defendant

SUMMONS

Electronically Filed  
Supreme Court  
SCEC 20-0000507  
11-AUG-2020  
SUMMONS 10:11 AM  
for HRS Sec.11-173.5

2020 AUG 11 AM 10:10  
AUGUST 11, 2020  
CLERK, STATE OF HAWAII

RECEIVED

STATE OF HAWAII:

To the above-named Defendant: Kaialii Kahele

You are hereby summoned to appear in the Supreme Court no later than 4:30p.m. on the  
fifth day after the date of service of the summons upon you, exclusive of the day of service,  
to answer the annexed complaint of Brian Evans

Dated: Honolulu, Hawaii, August 11, 2020

  
Clerk of Court

I do hereby certify that the foregoing is a full  
true and correct copy of the original on file in  
the Office of the Clerk of the Supreme Court  
of the State of Hawaii.  
Dated at: AUG 11 2020  
Honolulu, Hawaii

**RETURN TO CLERK  
APPELLATE COURTS**

RETURN OF SERVICE

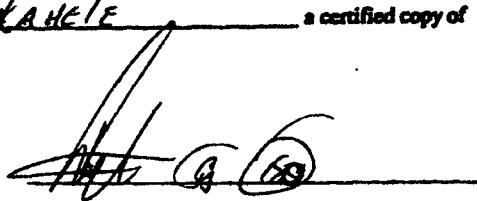
Served the Summons:

On 8.22.70

at G Co.15. A.M  
14141 KENEKI Pl.

Hilo Hi 96720 Seruva (KAIALII KAHĒLĒ) Tēyah  
Sister (NOELANI KAHĒLĒ) who resides at One Hilo  
by delivering to Kaialii Kahēlē a certified copy of

the complaint annexed hereto.



Dated: 8.22.70 Hilo, Hawaii 96720



RETURN OF SERVICE

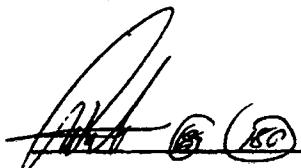
Served the Summons:

On 8.22.20 at 6:00/5 P.M.  
1414 KENEKI Pl.

Hilo Hi. 91720 Served (KAINI KAHELE) through  
SISTER (NOELANI KAHELE) WHO RESIDES & DWELLS IN

by delivering to KALA ILL KAHELE a certified copy of

the complaint annexed hereto.

 8/22/20

Dated: 8.22.20 Hilo, Hawaii, 91720

## **EXHIBIT B**

Judiciary Internet



eCourt Kōkua

JUDICIARY INFORMATION MANAGEMENT SYSTEM

[Home](#)[Party Search](#)[Vehicle Search](#)[Case Search](#)[View / Purchase Documents](#)
[Name Search](#) • [Person Search](#) • [Company Name Search](#) • [Party ID Search](#)
**Name Search****Search Criteria**

Please enter as much information as possible (\* denotes required field)

**Search For**  Person  Business / Government Agency
Last Name(\*): **kahele****Beginning**

Case

Filing

Date:

Ending

Case

Filing

Date:

Case

Type:

First Name(\*): **kai**Middle Name: Check for Phonetic Search Check for Partial Search[Search](#)[Reset](#)

Search results for criteria: Last Name: kahele, First Name: Kaialii

[Printable View](#)

Click the Party ID of a Party Name to see all the cases associated with that Party ID.

Click the Case ID to view Case Details.

Party Name	Case	Case Type	Filing Date	Next Event	Par
Kahele , Kaialii	<a href="#">SCEC-20-0000507 - Evans v. Kahele</a>	Election Contest	11-AUG-2020		Def
Kahele , Kaialii	<a href="#">SCEC-20-0000508 - Famera-Rosenzweig v. Kahele</a>	Election Contest	11-AUG-2020		Def
KAHELE , KAIALII	<a href="#">1CCV-20-0001100 - In the matter of KARL O DICKS, et al.</a>	Circuit Court Civil	05-AUG-2020		App
Kahele, Kaialii	<a href="#">1DTI-15-162875 - State v. Kaialii Kahele</a>	Traffic Infraction	12-AUG-2015		Def
Kahele, Kaialii	<a href="#">3DTI-14-055119 - State v. Kaialii Kahele</a>	Traffic Infraction	26-SEP-2014		Def
Kahele, Kaialii	<a href="#">3DTC-13-001840 - State v. Kaialii Kahele</a>	Traffic Crime	11-SEP-2013		Def
Kahele, Kaialii	<a href="#">3DTI-13-004406 - State v. Kaialii Kahele</a>	Traffic Infraction	08-JUL-2013		Def
Kahele, Kaialii	<a href="#">1DTI-12-068742 - State v. Kaialii Kahele</a>	Traffic Infraction	27-MAR-2012		Def
Kahele, Kaialii	<a href="#">1DTP-11-014696 - State v. Registered Owner of HCC438</a>	Traffic Parking	10-OCT-2011		Def
Kahele, Kaialii	<a href="#">1692721MH - State v. Kaialii Kahele</a>	Traffic Infraction	27-APR-2000		Def
Kahele, Kaialii	<a href="#">4636372MO - State v. Kaialii Kahele</a>	Traffic Infraction	29-JUL-1998		Def
Kahele, Kaialii	<a href="#">4636376MO - State v. Kaialii Kahele</a>	Traffic Infraction	29-JUL-1998		Def
Kahele, Kaialii	<a href="#">4636373MO - State v. Kaialii Kahele</a>	Traffic Infraction	29-JUL-1998		Def
Kahele, Kaialii	<a href="#">4636374MO - State v. Kaialii Kahele</a>	Traffic Crime	29-JUL-1998		Def
Kahele, Kaialii	<a href="#">4636375MO - State v. Kaialii Kahele</a>	Traffic Infraction	29-JUL-1998		Def

2

21 case(s) found, displaying 20 case(s), from 1 to 20. Page 1 / 2

Party Name	Case	Case Type	Filing Date	Next Event	Pa
Kahele, Kaialii	<a href="#"><u>4623522MO - State v. Kaialii Kahele</u></a>	Traffic Infraction	29-JUN-1998		Def
Kahele, Kaialii	<a href="#"><u>4452479MO - State v. Kaialii Kahele</u></a>	Traffic Crime	23-SEP-1997		Def
Kahele, Kaialii	<a href="#"><u>4468712MO - State v. Kaialii Kahele</u></a>	Traffic Crime	13-AUG-1997		Def
Kahele, Kaialii	<a href="#"><u>4468711MO - State v. Kaialii Kahele</u></a>	Traffic Infraction	13-AUG-1997		Def
Kahele, Kaialii	<a href="#"><u>4442933MO - State v. Kaialii Kahele</u></a>	Traffic Infraction	06-MAY-1997		Def

2

21 case(s) found, displaying 20 case(s), from 1 to 20. Page 1 / 2

## **EXHIBIT C**

1:13



7 Messages

◀ Inbox    **INSIGHTS ON PBS HAWAII...** ▲ ▼

On Jul 6, 2020, at 4:18 PM, Joy Chong-Stannard  
[chongdirector@aol.com](mailto:chongdirector@aol.com) wrote:

**Aloha Mr. Evans: please see the following message:**

**PBS Hawai'i extended invitations to all four candidates in the Democratic Primary for Hawai'i's 2nd Congressional District to participate in the July 23, 2020 episode of Insights on PBS Hawai'i under the premise that each candidate would be able to participate. We have since learned that one of the candidates is not allowed to participate due to ongoing duties with the Hawai'i National Guard. With this development, we do not feel it is appropriate to proceed and are therefore rescinding our invitation. We apologize for the inconvenience.**

Sincerely,

**Chuck Parker  
Vice President of Content  
PBS Hawai'i**

**JOY CHONG-STANNARD  
Producer/Director  
for INSIGHTS ON PBS HAWAII  
[chongdirector@aol.com](mailto:chongdirector@aol.com)  
808-387-7019**

-----Original Message-----

From: Brian Evans <[belasvegas@yahoo.com](mailto:belasvegas@yahoo.com)>



## **EXHIBIT D**

## **BRIAN EVANS PLATFORM**

- 1. Universal Basic Income (UBI)**
- 2. Native Hawaiian Rights**
- 3. Corrections to hospital safety (According to a John Hopkins University Study, 250,000 to 440,000 Americans die a year in US hospitals due to medical errors). Further, organizations such as “Leap Frog Group” rate hospitals that they have never walked into, giving patients the false impressions that these hospitals nationwide, including Hawaii, are safer than they are.**
- 4. Climate Change Action**
- 5. Data Safety**
- 6. Creating more exports to not allow the State of Hawaii to ever be solely dependent on tourism again.**
- 7. Making elections fair to all candidates.**
- 8. Assisting those who are indigent with the Right to Civil Counsel when dealing with corporations that deprive them of their Rights.**

**Above is Plaintiff, Candidate Brian Evans' platform in this 2020 primary.**

**UNITED STATES** | **PRIORIT<sup>®</sup>** | **MAIL**  
**POSTAL SERVICE<sup>®</sup>**

AMOUNT  
**\$4.45**  
R2305H127037-8

1005

98813



- delivery date specified for domestic use.
- domestic shipments include up to \$50 of insurance (restrictions apply).<sup>\*</sup>
- tracking<sup>®</sup> included for domestic and many international destinations.
- International Insurance.\*\*
- sed internationally, a customs declaration form is required.
- does not cover certain items. For details regarding claims exclusions see the
- ail Manual at <http://pe.usps.com>.
- tional Mail Manual at <http://pm.usps.com> for availability and limitations of coverage.

**R RATE ENVELOPE**  
**E ■ ANY WEIGHT**

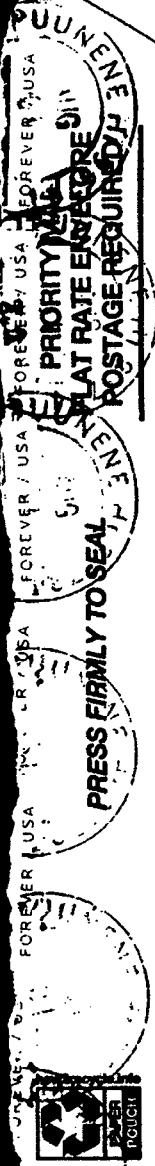
**EXPECTED DELIVERY DAY: 08/01/20**  
**SPS TRACKING<sup>®</sup> NUMBER**



To schedule free Package Pickup,  
scan the QR code.



Use code 10110



FROM:

**PRIORIT<sup>®</sup>**  
★ **MAIL** ★



VISIT US AT [USPS.COM](http://USPS.COM)  
ORDER FREE SUPPLIES ONLINE

160 Leona Rd.  
P.O. Box 109  
Kirkland, WA 98033

TO:  
Hawaii Supreme Court  
Chief Clerk  
417 S. King St. # 103  
Honolulu, HI 96813

Label 223, July 2013

FOR DOMESTIC AND INTERNATIONAL USE

**APPENDIX C**  
**ORDER DENYING MOTION**

**Electronically Filed  
Supreme Court  
SSEC-20-0000507  
21-SEP-2020  
01:31 PM**

SSEC-20-0000507

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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BRIAN EVANS, Plaintiff,

vs.

KAIALI'I (KAI) KAHELE, Defendant.

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ORIGINAL PROCEEDING

ORDER DENYING THE MOTION FOR DEFAULT JUDGMENT AND ORDER DIRECTING  
PLAINTIFF TO DELIVER A COPY OF THE COMPLAINT TO THE CHIEF  
ELECTION OFFICER AS REQUIRED BY HRS § 11-172 AND REQUIRING THE  
CHIEF ELECTION OFFICER TO FILE AN ANSWER

(By: Recktenwald, C.J., Nakayama, McKenna, and Wilson, JJ.,  
and Circuit Judge Ashford, assigned by reason of vacancy)

Upon consideration of: (1) the Notice of Default -  
Emergency Motion for Default Judgment and Motion to Set Aside  
Primary Win of Kaiali'i "Kai" Kahele in Contested Election for  
Failure to Timely Reply to Complaint Per Election Law of Hawai'i;  
and (2) the Emergency Motion for Status of the Case filed by  
Plaintiff Brian Evans, the papers in support, and the records and  
files herein, it appears that there is nothing in the record that  
shows Plaintiff delivered a copy of his complaint on the Chief  
Election Officer as required by HRS § 11-172. Therefore,

IT IS HEREBY ORDERED that:

1. The motion for default and motion to set aside primary win are denied.
2. With regard to the status of the case, Plaintiff shall deliver a copy of the election contest complaint on Chief Election Officer Scott Nago not later than September 25, 2020.
3. Within five days after receipt of the election contest complaint, the chief election officer shall file an answer to the election contest complaint.

DATED: Honolulu, Hawai‘i, September 21, 2020.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ James H. Ashford



**APPENDIX D**  
**CONTRADICTORY ORDER BY SAME COURT**

**Electronically Filed  
Supreme Court  
SCEC-20-0000507  
24-SEP-2020  
08:00 AM**

SCEC-20-0000507

IN THE SUPREME COURT OF THE STATE OF HAWAII

BRIAN EVANS, Plaintiff,

vs.

KAIALI'I (KAI) KAHELE, Defendant.

ORIGINAL PROCEEDING

ORDER DENYING MOTION TO INSTRUCT HAWAII ELECTIONS COMMISSION TO  
STAY PRINTING OF GENERAL ELECTION BALLOTS OR MAILING THEREOF  
PENDING THE OUTCOME OF THIS CASE

(By: Recktenwald, C.J., Nakayama, McKenna, and Wilson, JJ.,  
and Circuit Judge Ashford, assigned by reason of vacancy)

Upon consideration of the emergency motion to instruct the Hawai'i Elections Commission to stay printing of the general election ballots or mailing thereof pending the outcome of this case filed by Plaintiff Brian Evans (Plaintiff), the papers in support, and the records and files herein, it appears that: (1) Plaintiff did not name the Hawai'i Elections Commission as a defendant in this case; (2) Plaintiff did not serve a copy of the complaint or any other documents filed in this case, including the instant motion for stay, on the Hawai'i Elections Commission; (3) the certificate of service appended to this motion is for a

different motion filed earlier in this matter, and thus, it is not clear whether Plaintiff served this motion on any party; and (4) Plaintiff fails to demonstrate he is entitled to the relief requested. Therefore,

IT IS HEREBY ORDERED that the motion is denied.

DATED: Honolulu, Hawai'i, September 24, 2020.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ James H. Ashford

