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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT  
STATE OF HAWAII

<b>DAVID LEONARD K. HALLUMS,</b>	) CIVIL NO.
	) (Other Civil Action)
Plaintiff,	)
vs.	)
	)
STATE OF HAWAII ORGANIZATION OF	)
POLICE OFFICERS (“ <b>SHOPO</b> ”); <b>ROBERT</b>	) COMPLAINT; DEMAND FOR TRIAL BY
<b>CAVACO</b> , in his official capacity (SHOPO	) JURY; SUMMONS
board president) and individual capacity;	)
<b>JOHN ASING, JR.</b> , in his official capacity	)
(SHOPO board member) and individual	)
capacity; <b>STEPHEN KEOGH</b> , in his official	)
capacity (SHOPO board member) and	)
individual capacity; <b>SHAWN CAVACO</b> , in	)
his official capacity (SHOPO board member)	)
and individual capacity; <b>CARMEL</b>	)
<b>HURLEY</b> , in her official capacity (SHOPO	)
board member) and individual capacity;	)
<b>DEREK PA</b> , in his official capacity (SHOPO	)
board member) and individual capacity;	)
<b>NICHOLAS SCHLAPAK</b> , in his official	)
capacity (SHOPO board member) and	)
individual capacity; <b>JAMES CORREA</b> , in his	)
official capacity (SHOPO board member) and	)
individual capacity; <b>CHRISTOPHER</b>	)
<b>CALIO</b> , in his official capacity (SHOPO	)
board member) and individual capacity;	)
<b>NICHOLAS KRAU</b> , in his official capacity	)
(SHOPO board member) and individual	)
capacity; <b>JAMES “KIMO” SMITH</b> , in his	)
official capacity (SHOPO general manager)	)
and individual capacity; <b>RANDAL</b>	)
<b>YOSHIDA</b> , in his individual capacity; DOE	)
PERSONS 1-10; DOE CORPORATIONS and	)
PARTNERSHIPS 1-10; ROE “NON-	)
PROFIT” CORPORATIONS 1-10; DOE	)
UNINCORPORATED ORGANIZATIONS	)
1-10; and ROE GOVERNMENTAL	)
ENTITIES 1-10,	)
Defendants.	)

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## COMPLAINT

COMES NOW Plaintiff DAVID LEONARD K. HALLUMS ("Plaintiff"), by and through his undersigned counsel, BOSKO PETRICEVIC, ATTORNEY AT LAW LLLC, and brings this Complaint against the above-named Defendants, and complains and alleges as follows:

### I. PARTIES

1. Plaintiff DAVID LEONARD K. HALLUMS ("Plaintiff"), at all relevant times mentioned in this Complaint, is a resident of the City and County of Honolulu, State of Hawaii.

2. Defendant STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS ("SHOPO"), at all relevant times mentioned in this Complaint, is a State of Hawaii organization that is organized and existing under the laws of the State of Hawaii and does business in the City and County of Honolulu, State of Hawaii.

3. At all times relevant herein, Plaintiff was an employee of SHOPO. At all times relevant herein, SHOPO is an employer within the meaning of HRS 378. SHOPO pays stipends to all of their democratically elected board members and board members are employees of SHOPO. SHOPO's principal place of business is in Honolulu, Hawai'i.

4. Defendant ROBERT CAVACO ("R. Cavaco"), at all relevant times mentioned in this Complaint, is a resident of the City and County of Honolulu, State of Hawaii. R. Cavaco is a SHOPO board president. He is being sued in both his official capacity (SHOPO board president) and his individual capacity.

5. Defendant JOHN ASING, JR. ("Asing"), at all relevant times mentioned in this Complaint, is a resident of the City and County of Honolulu, State of Hawaii. Asing is a SHOPO

board member. He is being sued in both his official capacity (SHOPO board member) and his individual capacity.

6. Defendant STEPHEN KEOGH (“Keogh”), at all relevant times mentioned in this Complaint, is a resident of the City and County of Honolulu, State of Hawaii. Keogh is a SHOPO board member. He is being sued in both his official capacity (SHOPO board member) and his individual capacity.

7. Defendant SHAWN CAVACO (“S. Cavaco”), at all relevant times mentioned in this Complaint, is a resident of the City and County of Honolulu, State of Hawaii. S. Cavaco is a SHOPO board member. He is being sued in both his official capacity (SHOPO board member) and his individual capacity.

8. Defendant CARMEL HURLEY (“Hurley”), at all relevant times mentioned in this Complaint, is a resident of the City and County of Honolulu, State of Hawaii. Hurley is a SHOPO board member. She is being sued in both her official capacity (SHOPO board member) and her individual capacity.

9. Defendant DEREK PA (“Pa”), at all relevant times mentioned in this Complaint, is a resident of the City and County of Honolulu, State of Hawaii. Pa is a SHOPO board member. He is being sued in both his official capacity (SHOPO board member) and his individual capacity.

10. Defendant NICHOLAS SCHLAPAK (“Schlapak”), at all relevant times mentioned in this Complaint, is a resident of the City and County of Honolulu, State of Hawaii. Schlapak is a SHOPO board member. He is being sued in both his official capacity (SHOPO board member) and his individual capacity.

11. Defendant JAMES CORREA (“Correa”), at all relevant times mentioned in this Complaint, is a resident of the City and County of Honolulu, State of Hawaii. Correa is a SHOPO board member. He is being sued in both his official capacity (SHOPO board member) and his individual capacity.

12. Defendant CHRISTOPHER CALIO (“Calio”), at all relevant times mentioned in this Complaint, is a resident of the City and County of Honolulu, State of Hawaii. Calio is a SHOPO board member. He is being sued in both his official capacity (SHOPO board member) and his individual capacity.

13. Defendant NICHOLAS KRAU (“Krau”), at all relevant times mentioned in this Complaint, is a resident of the City and County of Honolulu, State of Hawaii. Krau is a SHOPO board member. He is being sued in both his official capacity (SHOPO board member) and his individual capacity.

14. Defendant JAMES “KIMO” SMITH (“Kimo”), at all relevant times mentioned in this Complaint, is a resident of the City and County of Honolulu, State of Hawaii. Kimo is a SHOPO general manager. SHOPO’s general manager position used to be titled “Executive Director” before Kimo changed the name of this position. For his role and participation in the below-described conspiracy, Kimo was awarded by the rest of the Defendants a position of SHOPO’s executive director, a position he always coveted. He is being sued in both his official capacity (SHOPO general manager) and his individual capacity.

15. Defendant RANDAL YOSHIDA (“Yoshida”), at all relevant times mentioned in this Complaint, is a resident of the City and County of Honolulu, State of Hawaii. Yoshida is (and was) a co-conspirator to SHOPO’s board members and SHOPO’s general manager in an effort to illegally remove Plaintiff from his democratically elected position as a Vice-President of SHOPO

board, discriminate and retaliate against Plaintiff, defame Plaintiff and even blackmail Plaintiff with threat of criminal prosecution unless Plaintiff “voluntarily” resigned from his Vice-President of SHOPO board position. Upon information and belief, Yoshida was promised substantial increase in his legal services that he can provide for SHOPO by SHOPO’s board members and SHOPO’s general manager. Yoshida is being sued in his individual capacity.

16. SHOPO is liable for the fraudulent, conspiratorial, intentional, negligent and/or tortious and/or wrongful conduct of all of their board members, board leadership, employees, presidents, managers owners, agents and/or representatives pursuant to the doctrine of Respondeat Superior and/or principles of Agency.

17. Defendants DOE PERSONS 1-10, DOE CORPORATIONS 1-10, DOE PARTNERSHIPS 1-10, ROE “NON-PROFIT” CORPORATIONS 1-10, DOE UNINCORPORATED ORGANIZATIONS 1-10 and ROE GOVERNMENTAL ENTITIES 1-10, are sued herein under fictitious names for the reason that, after thoroughly investigating the facts of the action, said Defendants' true names and identities are presently unknown to the Plaintiffs, except upon information and belief, that they are connected in some manner with the named Defendants and/or were the agents, servants, employees, employers, representatives, co-venturers, associates, vendors, suppliers, manufacturers, distributors, subcontractors or contractors and/or owners, lessees, assignees, licensees, of the named Defendants and/or were in some manner presently unknown to the Plaintiffs engaged in the activities alleged herein and/or were in some manner responsible for the injuries or damages to the Plaintiffs which was a proximate cause of injuries or damages to the Plaintiffs and that their "true names, identities, capacity, activities and/or responsibilities" are presently unknown to the Plaintiffs or their attorney. To ascertain the full names and identities of Defendants DOE PERSONS 1-10, DOE CORPORATIONS 1-10,

DOE PARTNERSHIPS 1-10, ROE “NON-PROFIT” CORPORATIONS 1-10, DOE UNINCORPORATED ORGANIZATIONS 1-10 and ROE GOVERNMENTAL ENTITIES 1-10, Plaintiffs’ counsel have investigated the facts alleged herein through *inter alia*, interviews of the Plaintiffs and the records and files submitted by the Plaintiffs. When the true names and capacities are ascertained, through appropriate discovery, Plaintiffs will move to amend this Complaint to state the true names.

**II. JURISDICTION AND VENUE**

18. Plaintiff incorporates, as if realleged, paragraphs 1 through 17 herein, and incorporates the same by reference as though set forth fully herein.

19. All of the events done by all of the above-named Defendants described in this Complaint occurred within the City and County of Honolulu, State of Hawaii, and within the jurisdiction and venue in the Circuit Court of the First Circuit, State of Hawaii.

20. This Complaint is brought pursuant to Sections 603-21.5(3), 634-35, 663-1 and Chapter 662 of the Hawaii Revised Statutes (hereinafter referred to as “HRS”).

21. Venue is proper in this Court under Section 603-36 of the HRS, as the alleged events arose from actions between the Plaintiff and Defendants and events and/or omissions giving rise to this action arose in this judicial circuit.

22. Personal jurisdiction is proper in this Court because all of the above-named Defendants have minimum contacts with the State of Hawaii because all of the Defendants live and do business in State of Hawaii and as such have direct contact with the State of Hawaii. All of the Defendants and Plaintiff are residents of State of Hawaii.

### **III. NATURE OF THE CASE**

23. Plaintiff incorporates, as if realleged, paragraphs 1 through 22 herein, and incorporates the same by reference as though set forth fully herein.

24. In a nutshell, this case is about crooked and deceitful Honolulu Police Department's ("HPD") officers (Defendants R. Cavaco, Asing, Keogh, S. Cavaco, Hurley, Pa, Schlapak, Correa, Calio, Krau and Kimo) - who were elected and placed into SHOPO's high ranking leadership positions - and their shadowy and sinister advisor (Defendant Yoshida) conspiring (through abuse and misuse of their newly gained powers) to illegally remove Plaintiff David Kawika Hallums (well-respected and beloved HPD Sergeant and a well-known and popular media personality in Hawaii) from his democratically elected position as a Vice-President of the SHOPO board.

25. This case is also about all of the above-named Defendants' discrimination, retaliation and defamation against the Plaintiff just because he dared to support other candidates during SHOPO's 2021 board elections and because Plaintiff dared to blow a whistle and shed a light on Defendants' illegal and illicit behavior in which they broke their fiduciary duties to SHOPO's members, abused their SHOPO's positions for personal gain, and stole time and money from HPD and by extension the taxpayers of the residents of the State of Hawaii.

26. Extraordinarily, this case is also about textbook blackmail where morally bankrupt HPD officers and SHOPO leaders (Defendants R. Cavaco, Asing, Keogh, S. Cavaco, Hurley, Pa, Schlapak, Correa, Calio, Krau and Kimo) and their shadowy advisor (Defendant Yoshida) conspired to threaten the Plaintiff (their fellow brother in blue) during the January 5<sup>th</sup>, 2022 board meeting with trumped up criminal prosecution to coerce Plaintiff into signing a pre-drafted (by all of the above-named Defendants) "voluntary" resignation letter where Plaintiff would "voluntarily"

affirm his resignation from his democratically elected position as a Vice-President of the SHOPO board.

27. Additionally, if the above is not enough, this case is also about HPD officers and SHOPO leaders (Defendants R. Cavaco, Asing, Keogh, S. Cavaco, Hurley, Pa, Schlapak, Correa, Calio, Krau and Kimo) enlisting the services of Defendant Yoshida to assist and help them plan and execute the above-described conspiracy in exchange for SHOPO leaders substantially increasing the volume of Yoshida's legal services that he provides for SHOPO. In other words, corrupt HPD officers and SHOPO leaders (Defendants R. Cavaco, Asing, Keogh, S. Cavaco, Hurley, Pa, Schlapak, Correa, Calio, Krau and Kimo) promised Yoshida SHOPO's money to help them retaliate against Plaintiff and illegally remove him from the SHOPO's board.

28. Lastly, and perhaps most sadly since HPD officers should not care about color, this case is also about racial discrimination by Caucasian HPD officers and SHOPO's leaders (Defendants R. Cavaco, Asing, Keogh and S. Cavaco) against the Plaintiff who is of African American and Hawaiian ancestry. Defendants R. Cavaco, Asing, Keogh and S. Cavaco discriminated, singled out, and punished Plaintiff for actions that they completely approved and allowed when committed by HPD officers of different ancestry.

#### **IV. FACTS**

29. Plaintiff incorporates, as if realleged, paragraphs 1 through 28 herein, and incorporates the same by reference as though set forth fully herein.

30. In December of 2021, SHOPO held elections for their leadership positions, including the positions of president, vice-president, secretary, treasurer and other board member positions.



31. During the campaign activities in a lead up to the election, R. Cavaco was a candidate for SHOPO's president, Asing was a candidate for SHOPO's secretary, Keogh was a candidate for SHOPO's treasurer, and S. Cavaco (R. Cavaco's brother), Hurley and Pa were candidates for SHOPO's director at large positions. All of these Defendants ran together as part of R. Cavaco's group and slate of candidates.

32. As a way of background, R. Cavaco was a sitting SHOPO's vice-president prior to these elections and Kimo (R. Cavaco's co-conspirator and defendant in this lawsuit) was a sitting SHOPO's treasurer. However - like R. Cavaco - Kimo also had higher aspirations and wanted to be SHOPO's executive director, a position he had previously applied for but was not selected for under the previous SHOPO's board led by president Malcolm Lutu. It was a well-known fact that Kimo and R. Cavaco were associated with each other and working together.

33. In opposition to R. Cavaco's above-described group and slate during SHOPO's elections, Don Faumuina (candidate for president) led his group and slate.

34. Plaintiff also ran during these December 2021 SHOPO's elections for the position of the vice-president position. Due to his overwhelming popularity and respect that he gained from his fellow HPD officers due to his distinguished HPD career, Plaintiff was the only candidate for the SHOPO's position of vice-president and ran completely unopposed.

35. However, during the campaign activities leading up to the December 2021 SHOPO's elections, Plaintiff actively and publicly campaigned against R. Cavaco and his slate (and his co co-conspirators and defendants in this lawsuit as described above) and thereby angering R. Cavaco and his group of co-conspirators/SHOPO's candidates.

36. During this campaign, Plaintiff exercised his free speech rights and expressed his perspective and personal opinions on SHOPO's issues including Kimo's previous union work and

misconduct, made publicly known his support for the SHOPO's then executive director Mr. Maafala, and publicly associated himself with a slate and group of candidates that ran against R. Cavaco and his group.

37. During the campaign and shortly after the election, but prior to the January 5<sup>th</sup>, 2022 (when SHOPO's new board was sworn in with R. Cavaco as the new SHOPO's president and Kimo was installed by R. Cavaco and his co-conspirators/co-defendants as the new SHOPO's executive director), Plaintiff, as a sitting SHOPO's board member and candidate for the vice-president position, blew a whistle and publicly expressed following complaints and allegations against following defendants regarding their previous illegal behavior and abuse of their SHOPO's and HPD's positions:

- a. **Defendant R. Cavaco** missed approximately 50% or more of the SHOPO board's scheduled meetings (to attend court hearings, collect overtime, work on special duty, or travel to Las Vegas for personal pleasure) when he was serving as a vice-president. However, R. Cavaco always pocketed his monthly SHOPO's stipend for his services as a vice-president even though he missed 50% or more of the SHOPO board's scheduled meetings.
- b. In December of 2021, after winning the SHOPO's election but before being sworn into office on January 5<sup>th</sup>, 2022, **R. Cavaco** directed a SHOPO's office staff member (Danielle Hoopii) to book travel to the Big Island for himself and other newly elected union officials who were on his slate but not yet sworn in. R. Cavaco also ordered a SHOPO's staff member to pay four hours of overtime to the office staff who booked the travel for work that should have taken no more than 10-15 minutes to book online. <sup>1</sup> In both instances, R. Cavaco acted without the sitting SHOPO board's authority or approval. This was an unauthorized waste of membership's money which also violated the union's internal policies and the fiduciary duties that R. Cavaco owed to its members as the union's then sitting Vice-President. After Plaintiff voiced his objection to R. Cavaco's unauthorized expenditures in December of 2021, R. Cavaco attempted to cover up his tracks by calling an emergency board meeting with the previous board to obtain authorization and approval for the payment of the travel expenses. At that meeting, Plaintiff again objected to R. Cavaco's use of membership's money to pay for the travel of individuals who were not sworn in since the current board was already authorized to make the same trip to represent the

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<sup>1</sup> This staff member was used by R. Cavaco to support his conspiracy against the Plaintiff.

union. Clearly upset with the Plaintiff, R. Cavaco withdrew his request after Plaintiff objected to the motion and expenditure as a waste of membership's money.

- c. Moreover, in another brazenly corrupt act, **R. Cavaco** directed the new SHOPO's board members to pay for their own travel expenses out of pocket prior to being sworn in, but promised new SHOPO's board members that upon taking office he would personally approve the use of the union's membership money to reimburse themselves for the travel expenses incurred prior to taking office.
- d. Plaintiff also expressed concerns that **R. Cavaco** is on HPD's Brady list and therefore unfit to hold office within SHOPO as truthfulness is a paramount requirement for all union officials.
- e. In December of 2021, Plaintiff reported to SHOPO's board member and **Defendant Schlapak** that information Schlapak received about **Defendant Asing** misusing release time should be investigated and reported to the HPD as it involved Asing's abuse of his union position and theft from the HPD. In late December 2021, Plaintiff learned that an HPD Lieutenant from police district 4 contacted the union's Honolulu chairman - **Defendant Schlapak** - questioning Schlapak why Asing who was on duty with the HPD had not returned to work after Asing stated that he was allegedly attending an official union meeting on "release" time. Schlapak informed Plaintiff that he was not aware of any union business being conducted that Asing was authorized to attend by him or the union's State board, nor was "release" time granted to Asing by the HPD to attend any official union business. Plaintiff was later informed by a city official that Asing accompanied R. Cavaco and other newly elected but unsworn SHOPO's officials, with the exception of the Plaintiff, to a meeting with Mayor Blangiardi but that the meeting only lasted less than an hour. However, Asing was absent from work for 3-4 hours and collected overtime pay although he was not at work. Upon learning of this information, Plaintiff told Schlapak that in his capacity as the union's Honolulu chairman that Schlapak was obligated to report and initiate an investigation into these allegations as a union official and as a police officer. Plaintiff informed Schlapak that he immediately needed to notify SHOPO then president Malcolm Lutu of this misconduct by Asing. Schlapak DID NOT and he covered up for Asing.
- f. Plaintiff also expressed concerns that **Asing** is on HPD's Brady list and therefore unfit to hold office within SHOPO as truthfulness is a paramount requirement for all union officials.
- g. Kimo, who was then still sitting SHOPO's treasurer advocated for the purchase of a building while simultaneously serving on the board of directors for the seller, a conflict of interest and double dealing which he refused to recuse or remove himself. Plaintiff alleged that Kimo violated SHOPORA 1, entitled Conflict of Interest, in participating, negotiating, and advocating for the union to purchase the credit union's

building while Kimo was sitting on the union's Board for both SHOPO and HPRA, when HPRA had an interest in the sale.

38. In December of 2021, and as a result of the above-described whistleblowing and campaign activities by Plaintiff during the campaign and shortly after the December 2021 SHOPO's election, but prior to the January 5<sup>th</sup>, 2022 (when SHOPO's new board was sworn in with R. Cavaco as the new SHOPO's president and Kimo was installed by R. Cavaco and his co-conspirators/co-defendants as the new SHOPO's executive director), Defendants R. Cavaco, Asing, Keogh, S. Cavaco, Hurley, Pa, Schlapak, Correa, Calio, Krau and Kimo - who were elected and placed into SHOPO's high ranking leadership positions in December of 2021 - and their shadowy advisor Defendant Yoshida began to conspire in order to retaliate against Plaintiff so they can illegally remove Plaintiff from his democratically elected position as a Vice-President of the SHOPO board and destroy and defame his good name and reputation.

39. **As a confirmation of this conspiracy, Defendant Schlapak specifically told Plaintiff in December of 2021 during their face-to-face conversation that "They are coming to GET YOU and they will come AFTER YOU".**

40. When Plaintiff asked Schlapak who is "THEY", Schlapak confirmed to Plaintiff that by "THEY" he meant R. Cavaco and all of the other newly elected SHOPO's board members, including Kimo (soon to be SHOPO's executive director) and Yoshida. Schlapak refused to tell Plaintiff how he knew of this information and left Plaintiff with this ominous warning that all of the above-named Defendants are coming to get him.

41. Sadly, Schlapak was right. On January 5, 2022 – the day when the newly elected SHOPO's board was sworn in and officially took office - all of the above-named Defendants took action on their planned conspiracy to "get" Plaintiff.

42. On January 5, 2022, feeling anxious because of Schlapak's earlier threats that Defendants "are coming to get him", **but with no other prior notice whatsoever from anyone about anything that is about to happen**, Plaintiff showed up to SHOPO's offices for the swearing in ceremony about 90 minutes before the start time of the ceremony. Plaintiff was hoping to get to SHOPO's offices early before others showed up to get the lay of the land (or in this case – to get the lay of the conspiracy).

43. Much to the Plaintiff's surprise, above-named Defendants were already at the SHOPO's offices. This was extremely surprising to the Plaintiff since many SHOPO's board members – like R. Cavaco and his group – never even bothered to show up to the board meetings at all in the past, but on January 5, 2022 they were very early.

44. Even more strange, few days after January 5, 2022, Plaintiff was informed by Danielle Hoopii (SHOPO's staff member) that not only did the Defendants showed up extra early on January 5<sup>th</sup>, 2022, but that Defendants R. Cavaco and other unsworn SHOPO's board members/defendants were at the SHOPO's offices throughout the night prior to the January 5<sup>th</sup> 2022, and that nobody knew what they were doing there during this time.

45. Anyways, back to the morning of the January 5, 2022. Plaintiff shows up early to SHOPO's offices and finds all of the Defendants there. Since Plaintiff was elected a vice-president, Plaintiff figures to go to the office that traditionally is occupied by the vice-president. Much to his surprise again, he finds R. Cavaco, Asing and Keogh in this office.

46. When Plaintiff asks R. Cavaco why is he not moving to the president's office, R. Cavaco explicitly states to Plaintiff that Plaintiff can have the old president's office and that he can move in there even though Plaintiff was elected vice-president. Plaintiff is thinking how strange this was. R. Cavaco should take the old president's office. It is bigger and nicer and R. Cavaco is the new

president after all. But, Plaintiff decides to not give it another thought. Perhaps R. Cavaco is being generous. Once again, at this time, neither R. Cavaco or any of the other Defendants tell or warn the Plaintiff of what is about to happen.

47. Plaintiff is once again trying to ascertain any signs of the Defendants' conspiracy, but so far he cannot find anything and nobody is telling him anything. Plaintiff, being a good natured and genuine individual, starts to naively wonder that perhaps Schlapak was wrong and that he was simply talking nonsense when he threatened the Plaintiff few weeks earlier that Defendants (with R. Cavaco leading the charge) are coming to "get" the Plaintiff.

48. Plaintiff then proceeds to the main conference room where swearing in ceremony will be held. He proceeds to sit down at his designated chair. On the table in front of the Plaintiff (and in front of the all other SHOPO's board members present that are about to be sworn in) lays an agenda for the January 5<sup>th</sup>, 2022 SHOPO's swearing in ceremony and subsequent newly sworn in board meeting.

49. Being a smart and experienced police officer, Plaintiff proceeds to closely examine the provided and typed up agenda for the January 5<sup>th</sup>, 2022 SHOPO's board events. Once again, Plaintiff is closely looking for any signs of conspiracy and/or clues as to the Defendants' actions against him. After close examination of the entire agenda, Plaintiff see nothing out of ordinary and absolutely nothing that specifically relates to him.

50. Moreover, immediately after reviewing the agenda, conference room fills up with all the Defendants and other SHOPO's staff who showed up for the swearing in ceremony. Once again, nobody says anything to Plaintiff of what is about to happen and Plaintiff is provided with no documents or papers informing of any action that is coming against him.

51. Plaintiff starts to genuinely and innocently believe that Schlapak was probably wrong and that he should just relax and enjoy this day of great honor. After all, Plaintiff is being sworn in as a vice-president of SHOPO. This is a great day and honor for Plaintiff and his entire family and all of his friends. Congratulations are pouring in and Plaintiff is proud and excited that he will be able to serve and look out for his brothers in blue (regardless of their ancestry) to make sure they and their families are taken care off.

52. Plaintiff's mind is further put to ease when the swearing in ceremony starts. Everyone is smiling and this has the makings of a truly great day. Brothers and sisters in blue (and sadly future defendants) are coming together to form a new SHOPO's board and to collectively start their public service for their fellow officers.

53. Incredibly, out of all people present, R. Cavaco (about to be sworn in as a new SHOPO's president) personally chooses Plaintiff to have Plaintiff swear in R. Cavaco as the new SHOPO's board president. Plaintiff swears in R. Cavaco. Applause, smiles all around and everyone seems to be happy. Plaintiff is now completely relaxed. Plaintiff is convinced now that Schlapak was wrong. There is no conspiracy and nothing will happen.

54. The rest of the newly elected SHOPO's board is sworn in, including the Plaintiff who is sworn in as a vice-president. Plaintiff is beaming with pride. It is a great day. He is thinking how silly he was to believe Schlapak and show up all paranoid on this great day. He is thinking that not only R. Cavaco choose him to swear him in, but he also earlier told him that he can have the old president's office which is bigger and nicer. (See paragraph 46 above). Plaintiff is thinking about how his daughters and his friends and family are so proud of him. He is shaking hands with his brothers and sisters in blue (who always claimed to have his back and protect each other). Plaintiff is excited and honored to officially be a part of new SHOPO's leadership tasked with

looking over more than 2,700 law enforcement officers that risk their lives every day to protect the State of Hawaii.

55. But, Plaintiff doesn't know in this brief but glorious moment during which he was sworn in as SHOPO's new vice president that his brothers and sisters in blue lied to him. Little does the Plaintiff know that they brought him to this swearing in ceremony on January 5<sup>th</sup>, 2022 without any prior notice (except Schlapak's vague warning issued few weeks earlier) and under completely false pretenses, much like when Mafia brings their doomed member to an execution under false promise of a party and being led to believe he was becoming a made-man.

56. And then BOOM. Literally seconds after the swearing in ceremony was finished and Plaintiff was sworn in as vice president, and while Plaintiff still had his trademark smile on that is helping him build a successful media career, Defendant R. Cavaco approaches Plaintiff and asks him to leave the conference room. Defendant R. Cavaco informs the Plaintiff that newly elected SHOPO's board is going into secret special session to discuss Plaintiff. Neither R. Cavaco nor anyone else provides any other specifics and Plaintiff is escorted out of the conference room.

57. Oh no, Schlapak was right after all. This is not a glorious day. Something is happening. Plaintiff is nervously standing outside of the conference room while the rest of his "brothers and sisters in blue" (or better described as crooked HPD officers) are conspiring together with Kimo and their sinister advisor Yoshida to illegally remove Plaintiff from his democratically elected position of vice-president and "execute" his good name and reputation.

58. SHOPO and its board members (above named defendants) immediately went into a special session after the sworn in ceremony, without giving Plaintiff any prior notice and completely excluding Plaintiff from this session.



59. Plaintiff was completely blindsided with this action of Defendants and was kept completely in the dark as to the reasons for this special session.

60. Shortly thereafter after special session began, Plaintiff is brought back into the conference room and SHOPO's board (in conspiracy with all of the above-named individual Defendants) informed the Plaintiff that he is being removed, effectively immediately, from his democratically elected position as a vice president of SHOPO.

61. SHOPO's newly elected board decided literally seconds after they became sworn in on January 5<sup>th</sup>, 2022 that Plaintiff has done something wrong and that they must have a special session to discuss these wrongdoings. Of course, SHOPO did not decide this on January 5<sup>th</sup>, 2022. They conspired to "get" Plaintiff much earlier prior to this January 5<sup>th</sup>, 2022 meeting, just like Schlapak warned the Plaintiff.

62. SHOPO, in conspiracy with all of the above-named individual defendants, on January 5<sup>th</sup>, 2022, came back with a "guilty verdict" regarding Plaintiff's "conduct" (even though Plaintiff did not even know what the allegations were prior to January 5<sup>th</sup>, let alone given opportunity to respond to them).

63. The false charges as presented to the Plaintiff by the SHOPO and individual Defendants to justify Plaintiff's removal, after the special sessions was concluded, were allegations that Plaintiff has improperly collected per diem payments from SHOPO in year 2019 and that Plaintiff has failed to reimburse the SHOPO for travel expenses of his companion when Plaintiff was traveling on union's business.

64. Plaintiff has never received prior notice of these charges prior to January 5<sup>th</sup>, 2022, and these charges were read to him as he was simultaneously being removed from his vice-president position of SHOPO and his membership being suspended.

65. Needless to say, above-described actions were done in violation of numerous SHOPO's bylaws and regulations, including the bylaws and regulations that specify proper due process and statute of limitation for any allegations to be brought forward. SHOPO, in conspiracy with all of the above-named individual defendants, immediately removed Plaintiff as SHOPO's vice president and suspended his membership without ever providing Plaintiff with proper notice and opportunity to respond to these false charges.

66. SHOPO, in conspiracy with all of the above-named individual defendants, brought Plaintiff to the swearing in ceremony without any prior notice, had him participate in the sham ceremony - even swearing him in - and then few moments later, they humiliated him in front of everyone.

67. To illustrate the humiliation and pain that Plaintiff experienced from these Defendants' illegal actions, Plaintiff's children texted him after the sworn-in ceremony conveying to him how proud they were of their dad for becoming SHOPO's vice president. Sadly, by the time he received this text, SHOPO has already illegally removed Plaintiff from his democratically elected position. It is not necessary to explain just how humiliating and hurtful this was to Plaintiff and what sort of hurt he must have felt explaining this to his children and friends and family.

68. Sadly, this outrageous conduct by the Defendants did not stop here. Moments after he was informed of his removal from vice president position and suspension from his SHOPO's membership, **Defendants have initiated a blackmail scheme against the Plaintiff.**

69. Keogh, in conspiracy with other defendants, immediately threatened Plaintiff with criminal prosecution unless he signed a "voluntary" resignation letter from his position of vice-president of SHOPO.

70. Upon information and belief, Defendant Yoshida has drafted this “voluntary” resignation letter and has assisted and conspired with rest of the Defendants in initiating this blackmail scheme against the Plaintiff. During this January 5<sup>th</sup>, 2022 incident, Plaintiff was specifically told by SHOPO that Defendant Yoshida was advising R. Cavaco as the board’s counsel, even though he wasn’t never hired or approved to be SHOPO’s board counsel. Moreover, Plaintiff was specifically informed on January 5<sup>th</sup>, 2022 by R. Cavaco that the SHOPO and its newly elected board members were consulting with and were advised by Yoshida during their special session while conspiring to remove the Plaintiff from his position of the SHOPO’s vice-president. This statement was extremely strange for several reasons.

71. First, before Plaintiff’s abrupt removal from the board and his union membership suspended, he was not made aware of any motion being made to hire Yoshida as board’s counsel. Legal counsel for any individual union member must also be approved by the union board. If one or more current officers or directors were seeking or receiving legal advice from Yoshida in 2021 as part of their effort to expel Plaintiff, that was not approved at any of the prior SHOPO’s meetings.

72. Second, it is also misconduct for a lawyer to be engaged in conduct involving dishonesty and deceit. A lawyer advising R. Cavaco and his co-conspirators on the planning and execution of a personal vendetta to solidify political power over the board in favor of a select group raises serious issues regarding Yoshida’s involvement. SHOPO’s counsel cannot and must not under any circumstances scheme with one group of officers or directors to the exclusion of others to help orchestrate the removal of another officer or director to solidify the power of one group over the other, or to silence a dissenting voice in favor of a select group of officers or directors, or for his

personal and financial gain. The union's board counsel represents the corporate entity as an organization and not individuals.

73. Third, Yoshida's involvement in the removal of Plaintiff also represented a significant conflict of interest since Yoshida was Plaintiff's lawyer in a previous union matter and Plaintiff has not waived this conflict.

74. Upon information and belief, Yoshida was promised substantial increase in his legal services that he can provide for SHOPO by SHOPO's newly elected board members (with R. Cavaco spearheading this promise) and by SHOPO's newly instituted executive director Kimo.

75. Upon information and belief, Defendants R. Cavaco, Asing, Keogh, S. Cavaco, Hurley, Pa, Schlapak, Correa, Calio, Krau and Kimo enlisted the services of Defendant Yoshida to assist and help them plan and execute the above-described conspiracy in exchange for SHOPO leaders substantially increasing the volume of Yoshida's legal services that he provides for SHOPO. In other words, corrupt HPD officers and SHOPO leaders (Defendants R. Cavaco, Asing, Keogh, S. Cavaco, Hurley, Pa, Schlapak, Correa, Calio, Krau and Kimo) promised Yoshida SHOPO's money to help them retaliate against Plaintiff and illegally remove him from the SHOPO's board.

76. Nonetheless, going back to the blackmail scheme instituted by the Defendants. Not only was this threat of criminal prosecution unless Plaintiff signs this "voluntary" resignation letter a textbook blackmail, but also an extremely inappropriate conduct by SHOPO's board members (who are also HPD Officers) who have absolutely no authorization to provide immunity from criminal prosecution to anyone, and especially NOT in exchange to benefit themselves personally and settle personal scores.

77. Plaintiff has refused and has never sign this "voluntary" resignation letter after Defendants attempted to blackmail him and coerce him to sign it under threat of criminal prosecution.

78. Incredibly, this was not the only blackmail scheme that Defendants have engaged in on January 5th, 2022 to ensure the removal of Plaintiff from SHOPO's board.

79. On or about January 5<sup>th</sup>, 2022, Todd Pataray (current Big Island Lieutenant and former SHOPO Big Island Chapter Chair) was notified by Defendant Calio via telephone that Calio was approached by R. Cavaco on the morning of Jan 5<sup>th</sup> 2022 - prior to the newly elected SHOPO's board being sworn in.

80. Defendant Calio specifically stated to Todd Pataray that Defendant R. Cavaco had cornered him within the SHOPO's office and informed him that his vote would be required to oust Plaintiff as the newly elected Vice President.

81. During this conversation, Calio also specifically stated to Todd Pataray that that he was informed by R. Cavaco that if he did not vote in the affirmative to oust the Plaintiff, R. Cavaco would initiate criminal prosecution against Calio for theft charges along with other offenses.

82. Calio conveyed to Todd Pataray that R. Cavaco made this threat in an effort to intimidate and to blackmail Calio into voting to oust the Plaintiff from SHOPO's board.

83. In other words, R. Cavaco has also threatened and blackmailed his co-defendant Calio with criminal prosecution in an effort to secure Calio's conspiratorial services.

84. Moreover, as part of securing Calio's conspiratorial services and ensuring his vote, Calio's outstanding travel tab that was currently due to SHOPO was never mentioned by the Defendants and Defendants have never taken any action against Calio for this travel tab like they did against the Plaintiff.

85. Todd Pataray was also informed by current Big Island SHOPO's Business agent Gabriel Malani that Mr. Malani was approached by Defendants Kimo and R. Cavaco regarding

their conspiracy and planning to oust SHOPO's Executive Director Tenari Ma'afala and Plaintiff who was newly elected Vice President

86. Even more incredibly, since Defendants' initial blackmail against the Plaintiff on January 5<sup>th</sup>, 2022 did not work – Plaintiff has refused to sign the “voluntary” resignation letter under threat of criminal prosecution - Defendants decided to try again and blackmail Plaintiff again with criminal prosecution.

87. On or about a week after the January 5, 2022, HPD officer Don Faumuina informed Plaintiff that he was approached by Defendant Keogh on behalf of the entire SHOPO's board and leadership. Keogh informed Don Faumuina that SHOPO's board and leadership have been informed that Plaintiff will be initiating a legal action against SHOPO's board and its members for what they have done to him on January 5<sup>th</sup>, 2022. **Defendant Keogh specifically instructed HPD officer Don Faumuina to “reach out” to Plaintiff (since Keogh knew Don Faumuina was friends with Plaintiff) and to threaten Plaintiff that if he followed through with a legal action against Defendants, Defendants would initiate a Theft case against the Plaintiff.**

88. Going back to January 5<sup>th</sup>, 2022 incident at SHOPO's offices. After Defendants realized that Plaintiff will not give in to their blackmail scheme and voluntary resign, they decided to give him a “sham after the fact” hearing where Plaintiff could dispute his removal from SHOPO's board and suspension from his SHOPO's membership.

89. In other words, despite the fact that they already removed him SHOPO's board and his position as a vice-president and suspended him from his SHOPO's membership in violation of numerous SHOPO's bylaws and regulations, including the bylaws and regulations that specify proper due process and statute of limitation for any allegations to be brought forward,

Defendants decided to allow Plaintiff to attend their hastily assembled kangaroo court that was to be held 2 months later on March 4, 2022.

90. In further violations of numerous SHOPO's bylaws and regulations, despite Plaintiff making his discovery requests to SHOPO to provide certain documents and information in advance of this hastily scheduled March 4, 2022 hearing, SHOPO has never provided any discovery to Plaintiff outlining their evidence and proof on which they based their decision to remove and suspend Plaintiff.

91. In further evidence of SHOPO's poorly planned conspiracy and even poorer assembly of their pre-textual excuses and false charges to justify Plaintiff's removal and suspension, SHOPO - realizing the futility of this charge - decided to rescind a charge that Plaintiff has failed to reimburse the SHOPO for travel expenses of his companion when Plaintiff was traveling on union's business prior to the March 4, 2022 hearing.

92. Therefore, there was only one charge and allegation that Plaintiff was supposed to respond to at the March 4, 2022 hearing and that was a charge **that he has improperly collected per diem payment from SHOPO in year 2019 while he was on special assignment by the HPD.**

93. As suspected, March 4, 2022 hearing was no more than Kabuki theater and a Kangaroo court where SHOPO and Defendants had absolutely no intention of ever sincerely listening to evidence and submitted testimony and potentially vindicating the Plaintiff.

94. The fact that March 4, 2022 hearing was no more than Kabuki theater and a Kangaroo court was evidenced by the following. During this hearing, previous SHOPO's board president Malcolm Lutu testified in support of the Plaintiff. Malcolm Lutu has made it crystal clear during his March 4, 2022 hearing that Plaintiff was completely and totally forthcoming regarding

Plaintiff being placed on special assignment by the HPD when he requested the per diem for his union's business trip. Malcolm Lutu has made it clear that he, as SHOPO's board president, has approved Plaintiff's per diem request and that Plaintiff has done nothing wrong.

95. Shockingly, despite this clear-cut testimony by previous SHOPO's board president Malcom Lutu's testimony completely exonerating Plaintiff of any wrongdoing, new SHOPO's board - with R. Cavaco and Kimo leading the charge - completely disregarded Mr. Lutu's testimony and still decided to uphold their removal of the Plaintiff from his vice president of SHOPO position because Plaintiff **collected per diem payment from SHOPO in year 2019 while he was on special assignment by the HPD and after receiving approval of then SHOPO's board president.**

96. However, SHOPO's and Defendants' complete disregard of Mr. Lutu's testimony was even more shocking and even more proof that their March 4, 2022 hearing was a Kangaroo court considering this fact. **When Malcolm Lutu approved the per diem in question for Plaintiff in 2019, he specifically informed R. Cavaco (who was SHOPO's vice president then) and Kimo (treasury at the time) of this decision and has specifically explained to them the circumstances behind this decision, including the special assignment part. Not only did R. Cavaco and Kimo NOT object to this per diem approval for Plaintiff in 2019, but they were fully in support and aware of it at the time.**

97. Kimo even happily wrote the check to Plaintiff regarding this per diem since he was a treasurer. All of the Defendants, especially R. Cavaco and Kimo, knew about this and were in support of it 3 years ago when this happened. But suddenly 3 years later, newly elected SHOPO's board with R. Cavaco and Kimo leading the charge believed that this was a hanging offense on which they must remove Plaintiff from his SHOPO's vice president position.



98. Moreover, as a reward for participating in this conspiracy to remove and suspend Plaintiff, Kimo was awarded by the rest of the Defendants a position of SHOPO's executive director, a position he always coveted.

99. Moreover, Tenari Ma'afala (previous SHOPO's executive director during whose time this per diem was approved) has made it clear that all of the allegations made against the Plaintiff should have never been made due to the fact that Plaintiff's pre-approved per diem was allowable, legal and had NOT violated any SHOPO's policies or by-laws.

100. It is crystal clear that Defendants took this action against the Plaintiff in retaliation for opposing Defendants' election and blowing the whistle on their illegal activities.

101. But SHOPO and individual Defendants were not finished hurting the Plaintiff even after they decided to uphold their decision to remove and suspend Plaintiff during their March 4, 2022 kangaroo court hearing.

102. Shortly after this hearing, on March 8, 2022, adding insult to injury, in another completely unacceptable, hasty and malicious decision, SHOPO, in conspiracy with all of the above-named individual Defendants, blasted a mass email to all SHOPO members in which they falsely claimed that Plaintiff has engaged in "double-dipping" when he collected his pre-approved per diem.

103. With this March 8, 2022 email, Defendants have defamed Plaintiff and permanently ruining his reputation. SHOPO, in conspiracy with all of the above-named individual Defendants, has basically assassinated Plaintiff's character with this mass email.

104. Plaintiff is a very affable guy, well known media personality in Hawaii and a long time and well-respected police officer with an excellent reputation and social standing. His good name and reputation are absolutely crucial for his budding media career and private entrepreneurial

ambitions after he retires from HPD. Plaintiff has the talent and ambition to become a nationally recognized sports media personality, a career that is potentially worth millions of dollars.

105. Defendants' public assassination of Plaintiff's character on March 8, 2022 has caused permanent damage to Plaintiff's dreams and ambitions of becoming a nationally recognized sports media personality. In today's internet age, Defendants' March 8, 2022 mass email will likely follow Plaintiff everywhere he goes, constantly inviting needless explanation for a conduct that he was not even responsible for, as Malcolm Lutu clearly explained under oath during the March 4, 2022 hearing.

106. Not only have Defendants' above-described actions damaged Plaintiff's reputation and public persona, but they have also caused extreme distress and humiliation to him personally. Defendants' above-described actions have falsely turned Plaintiff into someone that everyone hates – a public official caught with his hand in a cookie jar.

107. Defendants did this in a such a haste and malicious manner and without ever conducting a fair and objective investigation, and without giving Plaintiff a legitimate due process. Defendants did this to retaliate and punish Plaintiff for daring to campaign against them and exposed their illegal activities as described above.

108. Lastly, Defendants were also motivated by their racial bias. Defendants R. Cavaco, Asing, Keogh and S. Cavaco - who are all of Caucasian ancestry - decided to make these allegations and take disciplinary action only against the Plaintiff (who is of African American and Hawaiian ancestry) despite the fact that there were other Caucasian SHOPO's members that committed same or much worse violations than Plaintiff did. Defendants R. Cavaco, Asing, Keogh and S. Cavaco discriminated, singled out, and punished Plaintiff for actions that he did not even

commit and for which they completely approved and covered for when committed by HPD officers of Caucasian or Asian ancestry.

109. All of the named above Defendants' actions have caused Plaintiff millions of dollars in general and special damages. Plaintiff was victim of Defendants' conspiracy to retaliate, racially discriminate and blackmail him with criminal prosecution and defamation, among others, described below. Due to the all of the above-named Defendants' actions, Plaintiff has suffered also severe emotional distress, mental trauma and illness and many other special and general damages as proven at trial.

## **V. CAUSES OF ACTIONS**

### **A. COUNT I: NEGLIGENT SUPERVISION** **(AGAINST DEFENDANT SHOPO)**

110. Plaintiff reiterates and incorporates by reference the preceding paragraphs of this Complaint.

111. As set forth above, Defendant SHOPO and/or their employees, agents and/or representatives had a duty of care to Plaintiff in making sure that all of the above-named individual Defendants were properly supervised and managed in exercising and using their SHOPO's power and authority when performing their job and duties for SHOPO.

112. As set forth above, Defendant SHOPO and/or their employees, agents and/or representatives knew and/or were aware that all of the above-named individual Defendants were abusing, misusing and were negligent in performance of their official duties and Defendant SHOPO did nothing to correct or prevent this behavior by of the above-named individual Defendants.

113. Defendant SHOPO and/or their employees, agents and/or representatives breached their duties of care to Plaintiff.

114. As a direct, proximate and legal cause of the negligence, gross negligence or recklessness of Defendant SHOPO and/or their employees, agents and/or representatives, Plaintiff sustained the special and general damages described herein in the amount to be proven and shown at trial.

115. Plaintiff was damaged in an amount to be proven at trial.

**B. COUNT II: VIOLATION OF HRS 378-2  
(AGAINST ALL DEFENDANTS)**

116. Plaintiffs reiterates and incorporates by reference the preceding paragraphs of this Complaint.

117. All of the Defendants were also motivated by their racial bias against the Plaintiff when they removed him from his position of Vice-President of SHOPO in violation of HRS 378-2.

118. SHOPO leaders and Defendants R. Cavaco, Asing, Keogh and S. Cavaco - who are all of Caucasian ancestry - decided to make allegations of misconduct and take disciplinary action only against the Plaintiff (who is of African American and Hawaiian ancestry) despite the fact that there were other Caucasian SHOPO's members that committed same or much worse violations than Plaintiff did.

119. Defendants R. Cavaco, Asing, Keogh and S. Cavaco discriminated, singled out, and punished Plaintiff for actions that he did not even commit and for which they completely approved and covered up for when committed by HPD officers of Caucasian ancestry.

120. As a direct, proximate and legal cause of SHOPO leaders and Defendants R. Cavaco, Asing, Keogh and S. Cavaco's discrimination, Plaintiff sustained the special and general damages described herein in the amount to be proven and shown at trial.

121. Plaintiff was damaged in an amount to be proven at trial.

**C. COUNT III: VIOLATION OF HRS 378, PART V, WHISTLEBLOWERS' PROTECTION ACT**  
(AGAINST ALL DEFENDANTS)

122. Plaintiff reiterates and incorporates by reference the preceding paragraphs of this Complaint.

123. As set forth above, Defendants' treatment of Plaintiff, evidences retaliation against Plaintiff at SHOPO for reporting illegal practices at SHOPO as committed by SHOPO's board members/individual defendants.

124. An employer shall not retaliate against an employee based on their whistleblowing under HRS § 378-62 which states in pertinent part as follows:

§ 378-62: An employer shall not discharge, threaten or otherwise discriminate against an employee...because:

- (1) The employee... reports or is about to report to the employer...verbally or in writing, a violation or suspected violation of:
  - (A) A law, rule, ordinance, or regulation, adopted pursuant to the law of this State, a political subdivision of the State or the United States;

125. As set forth above, Defendants' conduct as described above is a violation of HRS § 378-62(1)(A).

126. These aforementioned acts and/or conduct of Defendants entitle Plaintiff to damages as provided by law. As a direct and proximate result of said unlawful employment practices, Plaintiff has suffered extreme mental anguish, outrage, depression, great humiliation, severe anxiety about his future and his ability to support himself, as well as painful embarrassment among his relatives and friends, damage to his good reputation, disruption of his personal life, loss of enjoyment

of the ordinary pleasures of everyday life and other general damages in an amount which meets the minimal jurisdictional limits of this Court.

127. Plaintiff was damaged in an amount to be proven at trial.

**D. COUNT IV: VIOLATION OF PUBLIC POLICY  
(AGAINST ALL DEFENDANTS)**

128. Plaintiff reiterates and incorporates by reference the preceding paragraphs of this Complaint.

129. Plaintiff's removal from SHOPO's vice president position as described herein is actionable in tort and constitutes a violation of clear mandates of public policies, pursuant to *Parnar v. Americana Hotels*, 65 Haw. 370 (1982), including but not limited to the following:

- a. Blackmail
- b. Violations of the Hawai'i Rules of Professional Conduct for Attorneys

130. These aforementioned acts and/or conduct of Defendants entitle Plaintiff to damages as provided by law. As a direct and proximate result of said unlawful employment practices, Plaintiff has suffered extreme mental anguish, outrage, depression, great humiliation, severe anxiety about his future and his ability to support himself, as well as painful embarrassment among his relatives and friends, damage to his good reputation, disruption of his personal life, loss of enjoyment of the ordinary pleasures of everyday life and other general damages in an amount which meets the minimal jurisdictional limits of this Court.

131. Plaintiff was damaged in an amount to be proven at trial.

**E. COUNT V: WRONGFUL REMOVAL IN VIOLATION OF SHOPO'S BYLAWS AND POLICIES  
(AGAINST ALL DEFENDANTS)**

132. Plaintiff reiterates and incorporates by reference the preceding paragraphs of this Complaint.

133. Plaintiff's removal from SHOPO's vice president position as described herein constituted a violation of numerous SHOPO's bylaws, policies and regulations, including the bylaws and regulations that specify proper due process and statute of limitation for any allegations to be brought forward.

134. These aforementioned acts and/or conduct of Defendants entitle Plaintiff to damages as provided by law. As a direct and proximate result of said unlawful practices, Plaintiff has suffered extreme mental anguish, outrage, depression, great humiliation, severe anxiety about his future and his ability to support himself, as well as painful embarrassment among his relatives and friends, damage to his good reputation, disruption of his personal life, loss of enjoyment of the ordinary pleasures of everyday life and other general damages in an amount which meets the minimal jurisdictional limits of this Court.

135. Plaintiff was damaged in an amount to be proven at trial.

**F. COUNT VI: CIVIL CONSPIRACY TO BLACKMAIL, RETALIATE AND DEFAME  
(AGAINST ALL DEFENDANTS)**

136. Plaintiff reiterates and incorporates by reference the preceding paragraphs of this Complaint.

137. As set forth above, Defendants and/or their employees, agents and/or representatives conspired to blackmail and retaliate against Plaintiffs in order to remove Plaintiff from SHOPO's vice president position and defame him.

138. These aforementioned acts and/or conduct of Defendants entitle Plaintiff to damages as provided by law. As a direct and proximate result of said conspiracy by Defendants, Plaintiff has suffered extreme mental anguish, outrage, depression, great humiliation, severe anxiety about his future and his ability to support himself, as well as painful embarrassment among his relatives and friends, damage to his good reputation, disruption of his personal life, loss of enjoyment of the ordinary pleasures of everyday life and other general damages in an amount which meets the minimal jurisdictional limits of this Court.

139. As a direct, proximate and legal cause of this conspiracy committed by all of the Defendants, Plaintiff sustained the special and general damages described herein in the amount to be proven and shown at trial.

140. Plaintiff was damaged in an amount to be proven at trial.

**G. COUNT VII: RACKETEERING**  
**(AGAINST ALL DEFENDANTS)**

141. Plaintiff reiterates and incorporates by reference the preceding paragraphs of this Complaint.

142. As set forth above, Defendants, by and through its officers, agents, employees and representatives engaged in “Racketeering Activity,” as defined in Section 842-1, Hawaii Revised Statutes, by blackmailing, conspiring against and bullying Plaintiff in order to take Plaintiff’s property including but not limited to:

- a. That all times relevant in this Complaint the Defendants qualified as either an “Enterprise” and/or “Person”.



- b. That all times relevant in this Complaint, the Defendants engaged in an act or threat, including but not limited to “extortion” and “blackmail” in terms of the fraud, lies, misrepresentation, conspiracy and abuse of legal process in order to take Plaintiff’s property in violation of Sec. 707-764(a)(e) and (l), HRS and Sec. 707-764(2), HRS.
- c. That all times relevant in this Complaint the Defendants’ acts of misconduct attempted to obtain or exert control over the Plaintiff’s property by extorting, blackmailing, threatening, defrauding, bullying, misrepresenting, conspiring, abusing legal process and attempting to illegally remove Plaintiff from his position as a vice president of SHOPO.
- d. That these above-described wrongful acts occurred during a period of time where all Defendants had a direct or indirect financial interest in the outcome of the matters they were involved in with the Plaintiff including but not limited to Plaintiff’s position with SHOPO.
- e. That Defendants’ actions violated Sec. 707-764(1)(e), HRS, because their above-described actions were an attempt to obtain or exert control over the Plaintiff’s property, with the intent to deprive Plaintiff of such property.
- f. Defendants’ actions as set forth herein were an attempt to commit the offense of blackmail and Extortion, under Sec. 707-764, HRS because the Defendants, including its officers, agents, representatives and employees: (1) Intentionally engaged in conduct which would constitute blackmail and Extortion; or (2) Intentionally engaged in conduct which, under the circumstances, constituted a substantial step in a course of conduct intended to culminate in the Defendants

commission of the crime of blackmail and Extortion, violating Section 705-500(1)(a) and (b), HRS.

- g. In the alternative, the Defendants, through its officers, agents, representatives and employees, caused a particular result as an element of the crime of blackmail and Extortion, the Defendants were guilty of an attempt to commit blackmail and Extortion, because they acted with the state of mind required to establish liability with respect to the attendant circumstances specified in the definition of blackmail and Extortion, and the Defendants, including its officers, agents, representative and employees intentionally engaged in conduct which was a substantial step in a course of conduct intended or known to cause such a result in violation of Sec. 705-500(2), HRS.

143. Defendants, by and through its officers, agents, representatives and employees received income derived, directly or indirectly, from a racketeering activity, which they used or invested, directly or indirectly, any part of such income, or the proceeds of such income, towards the operation of their businesses, in violation of Section 842-2(1), HRS.

144. Defendants, by and through its officers, agents, representatives and employees attempted to receive income derived, directly or indirectly, from a racketeering activity, which they intended to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, towards the operation of their businesses, in violation of Section 842-2(1), HRS.

145. From 2021 through and including present date, Defendants, by and through its officers, agents, representatives and employees who were employed by or associated

with any enterprise of Defendants, conducted or participated in the conduct of the affairs of the enterprise through racketeering activity in violation of Sec. 842-2(3), HRS.

146. From 2021 through and including present date, Defendants, by and through its officers, agents, representatives and employees who were employed by or associated with any enterprise of Defendants, attempted to conduct or participate in the conduct of the affairs of the enterprise through racketeering activity in violation of Sec. 842-2(3), HRS.

147. As a result of this, Defendants have committed racketeering activity against the Plaintiff.

148. As a direct, proximate and legal cause of this racketeering activity committed by all of the Defendants, Plaintiff sustained the special and general damages described herein in the amount to be proven and shown at trial.

149. Plaintiff was damaged in an amount to be proven at trial.

**H. COUNT VIII: BAD FAITH AND PRIVATE ATTORNEY GENERAL ATTORNEYS' FEES**  
(AGAINST ALL DEFENDANTS)

150. Plaintiff reiterates and incorporates by reference the preceding paragraphs of this Complaint.

151. As set forth above, Defendants are liable for bad faith dealings and Plaintiff was forced to bring attention and file lawsuit regarding this widespread abuse and misuse of SHOPO's funds and abuse and misuse of SHOPO's power and authority in order to inform the public and correct these public wrongs.

152. Plaintiff is entitled to his attorney fees as a result.

**I. COUNT IX: VIOLATION OF CIVIL RIGHTS UNDER THE FIFTH AND FOURTEENTH AMENDMENTS PURSUANT TO 42 U.S.C. § 1983  
(AGAINST ALL DEFENDANTS)**

153. Plaintiff reiterates and incorporates by reference the preceding paragraphs of this Complaint.

154. As set forth above, Defendants are liable to Plaintiff for violation of his civil rights under the 5<sup>th</sup> and 14<sup>th</sup> amendments pursuant to 42 U.S.C., section 1983.

155. As a direct, proximate and legal cause of these civil rights violations, committed by all of the Defendants, Plaintiff sustained the special and general damages described herein in the amount to be proven and shown at trial.

156. Plaintiff was damaged in an amount to be proven at trial.

**J. COUNT X: DEFAMATION  
(AGAINST ALL DEFENDANTS)**

157. Plaintiff reiterates and incorporates by reference the preceding paragraphs of this Complaint.

158. As set forth above, Defendants defamed Plaintiff when they mass published their March 8, 2022 email.

159. Defendants knowingly mass published this email fully knowing allegations and factual claims they made in this March 8, 2022 email was false.

160. With this March 8, 2022 email, Defendants have defamed Plaintiff and permanently ruined his reputation. SHOPO, in conspiracy with all of the above-named individual Defendants, has basically assassinated Plaintiff's character with this mass email.

161. Plaintiff is a very affable guy, well known media personality in Hawaii and a long time and well-respected police officer with an excellent reputation and social standing. His good name and reputation are absolutely crucial for his budding media career and private entrepreneurial ambitions after he retires from HPD. Plaintiff has the talent and ambition to become a nationally recognized sports media personality, a career that is potentially worth millions of dollars.

162. Defendants' public assassination of Plaintiff's character on March 8, 2022 has caused permanent damage to Plaintiff's dreams and ambitions of becoming a nationally recognized sports media personality. In today's internet age, Defendants' March 8, 2022 mass email will likely follow Plaintiff everywhere he goes, constantly inviting needless explanation for a conduct that he was not even responsible for, as Malcolm Lutu clearly explained under oath during the March 4, 2022 hearing.

163. As a direct, proximate and legal cause of this defamation, committed by the Defendants, Plaintiff sustained the special and general damages described herein in the amount to be proven and shown at trial.

164. Plaintiff was damaged in an amount to be proven at trial.

**K. COUNT XI: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS  
(AGAINST ALL DEFENDANTS)**

165. Plaintiff reiterates and incorporates by reference the preceding paragraphs of this Complaint.

166. As set forth above, the acts, conduct and/or omissions of Defendants and/or their employees, agents and/or representatives were negligent, reckless and outrageous.

167. As a result, Plaintiff has suffered extreme emotional distress and mental illness, as a direct result of Defendants' actions.

168. As a direct, proximate and legal cause of the negligence, gross negligence or recklessness of Defendants and/or their employees, agents and/or representatives, Plaintiff sustained the extreme emotional distress and other special and general damages described herein in the amount to be proven and shown at trial.

169. Plaintiff has further suffered significant emotional, physical and mental injuries as a result of Defendants' above-described actions.

170. Plaintiffs was damaged in an amount to be proven at trial.

**L. COUNT XII: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS  
(AGAINST ALL DEFENDANTS)**

171. Plaintiff reiterates and incorporates by reference the preceding paragraphs of this Complaint.

172. As set forth above, the acts, conduct and/or omissions of Defendants and/or their employees, agents and/or representatives were intentional, reckless and outrageous.

173. As a result, Plaintiff has suffered extreme emotional distress, as a direct result of Defendants' actions.

174. Plaintiff has further suffered significant emotional, physical and mental injuries as a result of Defendants' above-described actions.

175. As a direct, proximate and legal cause of the intentional and reckless acts of Defendants and/or their employees, agents and/or representatives as described above, Plaintiff sustained the extreme emotional distress and other special and general damages described herein in the amount to be proven and shown at trial.

176. Plaintiffs was damaged in an amount to be proven at trial.

**M.      COUNT XIII: VIOLATION OF UNFAIR AND/OR DECEPTIVE TRADE ACTS  
AND PRACTICES  
(AGAINST ALL DEFENDANTS)**

177.    Plaintiff reiterates and incorporates by reference the preceding paragraphs of this Complaint.

178.    This action is for treble damages and attorneys' fees pursuant to HRS sections 480-13, 480-2 and 481A.

179.    As set forth above, Defendants and/or their employees, agents and/or representatives engaged in unfair and deceptive trade acts or practices in violation of the aforementioned statutes.

180.    As a direct, proximate and legal cause of violations of these aforementioned statutes and violation of unfair and deceptive acts or practices by Defendants and/or their employees, agents and/or representatives as described above, Plaintiff has suffered actual damages and other special and general damages described herein in the amount to be proven and shown at trial.

181.    Plaintiff was damaged in an amount to be proven at trial.

**VI.           PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that this Court enter judgment granting the following relief on all causes of action as follows:

A.      On all Counts against ALL Defendants;

- B. For an award of special, economic, consequential and general damages to Plaintiff from ALL Defendants, jointly and severally, in amount proven at trial;
- C. Punitive damages, as the facts aforesaid constitute extreme and outrageous behavior which exceeds all bounds usually tolerated by decent society. In committing the above acts and omissions, Defendants acted wantonly and/or oppressively and/or with such malice as implies a spirit of mischief or criminal indifference to civil obligations and/or there has been some willful misconduct that demonstrates that entire want of care which would raise the presumption of a conscious indifference to consequences, justifying an award of punitive or exemplary damages in an amount to be proven at trial;
- D. That this Court enter a declaratory judgment that Defendants have violated the rights of Plaintiff;
- E. That this Court award Plaintiff compensatory damages, proximately caused by Defendants' tortious and abusive conduct, including, but not limited to, general damages for intentional and negligent infliction of mental and/or emotional distress, assessed against all Defendants, all in an amount to be proven at trial;
- F. That this Court award Plaintiff reasonable attorney's fees and costs of suit herein as well as prejudgment and post-judgment interest;
- G. That this Court order appropriate injunctive relief.
- H. That this Court retain jurisdiction over this action until the Defendants have fully complied with the order of this Court and that this Court require the Defendants to file such reports as may be necessary to secure compliance;



- I. That this Court award Plaintiff such other and further relief both legal and equitable as this Court deems just, necessary and proper under the circumstances.

DATED: Honolulu, Hawaii; May 31, 2022.

/S/ BOSKO PETRICEVIC  
BOSKO PETRICEVIC, ATTORNEY AT LAW

ATTORNEY FOR PLAINTIFF  
DAVID LEONARD K. HALLUMS

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT  
STATE OF HAWAII

<b>DAVID LEONARD K. HALLUMS,</b>	)	CIVIL NO.
	)	(Other Civil Action)
Plaintiff,	)	
vs.	)	
	)	
STATE OF HAWAII ORGANIZATION OF	)	
POLICE OFFICERS (“ <b>SHOPO</b> ”); <b>ROBERT</b>	)	DEMAND FOR TRIAL BY JURY
<b>CAVACO</b> , in his official capacity (SHOPO	)	
board president) and individual capacity;	)	
<b>JOHN ASING, JR.</b> , in his official capacity	)	
(SHOPO board member) and individual	)	
capacity; <b>STEPHEN KEOGH</b> , in his official	)	
capacity (SHOPO board member) and	)	
individual capacity; <b>SHAWN CAVACO</b> , in	)	
his official capacity (SHOPO board member)	)	
and individual capacity; <b>CARMEL</b>	)	
<b>HURLEY</b> , in her official capacity (SHOPO	)	
board member) and individual capacity;	)	
<b>DEREK PA</b> , in his official capacity (SHOPO	)	
board member) and individual capacity;	)	
<b>NICHOLAS SCHLAPAK</b> , in his official	)	
capacity (SHOPO board member) and	)	
individual capacity; <b>JAMES CORREA</b> , in his	)	
official capacity (SHOPO board member) and	)	
individual capacity; <b>CHRISTOPHER</b>	)	
<b>CALIO</b> , in his official capacity (SHOPO	)	
board member) and individual capacity;	)	
<b>NICHOLAS KRAU</b> , in his official capacity	)	
(SHOPO board member) and individual	)	
capacity; <b>JAMES “KIMO” SMITH</b> , in his	)	
official capacity (SHOPO general manager)	)	
and individual capacity; <b>RANDAL</b>	)	
<b>YOSHIDA</b> , in his individual capacity; DOE	)	
PERSONS 1-10; DOE CORPORATIONS and	)	
PARTNERSHIPS 1-10; ROE “NON-	)	
PROFIT” CORPORATIONS 1-10; DOE	)	
UNINCORPORATED ORGANIZATIONS	)	
1-10; and ROE GOVERNMENTAL	)	
ENTITIES 1-10,	)	
Defendants.		

DEMAND FOR TRIAL BY JURY

COMES NOW Plaintiff DAVID LEONARD K. HALLUMS (“Plaintiff”), by and through his undersigned counsel, BOSKO PETRICEVIC, ATTORNEY AT LAW LLLC, and pursuant to Rule 38 (b) of the

Hawaii Rules of Civil Procedure (“HRCP”), and hereby demands a jury to try any and all claims triable by a jury against all Defendants.

DATED: Honolulu, Hawaii; May 31, 2022.

/S/ BOSKO PETRICEVIC  
BOSKO PETRICEVIC, ATTORNEY AT LAW

ATTORNEY FOR PLAINTIFF  
DAVID LEONARD K. HALLUMS

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

**DAVID LEONARD K. HALLUMS,** ) CIVIL NO.  
 ) (Other Civil Action)

Plaintiff, )

vs. )

STATE OF HAWAII ORGANIZATION OF )  
POLICE OFFICERS (“**SHOPO**”); **ROBERT** ) **SUMMONS**

**CAVACO**, in his official capacity (SHOPO )  
board president) and individual capacity; )

**JOHN ASING, JR.**, in his official capacity )  
(SHOPO board member) and individual )

capacity; **STEPHEN KEOGH**, in his official )  
capacity (SHOPO board member) and )

individual capacity; **SHAWN CAVACO**, in )  
his official capacity (SHOPO board member) )

and individual capacity; **CARMEL** )  
**HURLEY**, in her official capacity (SHOPO )  
board member) and individual capacity; )

**DEREK PA**, in his official capacity (SHOPO )  
board member) and individual capacity; )

**NICHOLAS SCHLAPAK**, in his official )  
capacity (SHOPO board member) and )

individual capacity; **JAMES CORREA**, in his )  
official capacity (SHOPO board member) and )

individual capacity; **CHRISTOPHER** )  
**CALIO**, in his official capacity (SHOPO )  
board member) and individual capacity; )

**NICHOLAS KRAU**, in his official capacity )  
(SHOPO board member) and individual )

capacity; **JAMES “KIMO” SMITH**, in his )  
official capacity (SHOPO general manager) )

and individual capacity; **RANDAL** )  
**YOSHIDA**, in his individual capacity; DOE )

PERSONS 1-10; DOE CORPORATIONS and )  
PARTNERSHIPS 1-10; ROE “NON- )

PROFIT” CORPORATIONS 1-10; DOE )  
UNINCORPORATED ORGANIZATIONS )

1-10; and ROE GOVERNMENTAL )  
ENTITIES 1-10, )

Defendants. )

SUMMONS

STATE OF HAWAII:

To the above-named Defendant:

You are hereby summoned and required to file with the Court and serve BOSKO PETRICEVIC,

ATTORNEY AT LAW LLLC, whose address is P.O. Box 38, Honolulu, Hawaii, 96810, with an email address of [boskolaw@gmail.com](mailto:boskolaw@gmail.com), an answer to the Complaint herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

This summons shall not be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the general public, unless a judge of the above-entitled court permits, in writing on this summons, personal delivery during those hours.

A failure to obey this summons may result in an entry of default and default judgment against the disobeying person or party.

DATED: Honolulu, Hawaii, \_\_\_\_\_.

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