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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

LANCE S. CHODA,)	
)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:21-cv-384
)	
COUNTY OF HAWAII)	STIPULATION AND ORDER
)	
)	
)	
)	Judge: N/A
)	Trial: N/A
Defendant.)	Hearing: N/A
_____)	

Stipulation and Order

Under Hawaii law, “[n]o person who is under indictment for, or has waived indictment for, or has been bound over to the circuit court for, or has been convicted in this State or elsewhere of having committed a felony, or any crime of violence, or an illegal sale of any drug shall own, possess, or control any firearm or ammunition therefor.” Hawaii Revised Statutes (H.R.S.) § 134-7(b). On September 14, 2021, Plaintiff Lance S. Choda (“Choda”) filed a complaint against Defendant County of Hawaii (“County”) (collectively, the “Parties”) alleging that the Hawaii County Police Department (HCPD) impermissibly denied him a permit to acquire a firearm and demanded he turn in the firearms he owned. Choda was informed by HCPD that he was disqualified from possessing firearms due to a crime of violence conviction in Hawaii. On January 21, 2021, Choda was convicted of Disorderly Conduct (H.R.S. § 711-1101(1)(a)(b)(c)(3)) and Harassment (H.R.S. § 711-1106(1)(a)), both petty misdemeanors.

The Parties agree that H.R.S. § 134-7(b) only prohibits persons who are under indictment for, have been bound over to the circuit court for, or have been convicted of having committed a felony, or any crime of violence, or an illegal sale of any drug, from owning, possessing, or controlling any firearm or ammunition. Choda’s convictions for Harassment and Disorderly Conduct were not crimes of violence as defined under H.R.S. §134-1.

Therefore, it is stipulated that County is permanently enjoined from denying an applicant's permit to acquire a firearm due to being convicted of a crime of violence under H.R.S. § 134-7(b), unless the conviction meets the definition of "crime of violence" under H.R.S. §134-1.

This stipulation and permanent injunction resolve all claims set forth in Choda's *Verified Complaint for Declaratory and Injunctive Relief* ("Complaint"), with the exception of Choda's claims for damages, which are nominal (\$1.00), and attorney's fees and costs. Choda is the prevailing party and has achieved all relief sought in his action for purposes of attorney's fees. This stipulation and injunction shall be filed, but the court will not enter the judgment until attorneys' fees have been paid. County shall pay Choda's reasonable attorneys' fees and costs as may be agreed to by the Parties or, in the event of no agreement, then as ordered by the Court following a fee petition. The Parties shall submit a stipulation for dismissal of Choda's Complaint within 10 days of receipt of payment of Choda's attorneys' fees and costs.

DATED: Hilo, Hawaii, October 8, 2021.

/S/ Steven K. Idemoto
STEVEN K. IDEMOTO
Deputy Corporation Counsel
Attorney for Defendant
COUNTY OF HAWAII

DATED: San Diego, California, October 8, 2021.

/S/ Alan Beck
ALAN ALEXANDER BECK

Attorneys for Plaintiff
LANCE S. CHODA

DATED: Honolulu, Hawaii, October 8, 2021.

/S/ KEVIN O'GRADY
KEVIN GERARD O'GRADY

Attorneys for Plaintiff
LANCE S. CHODA

IT IS APPROVED AND SO ORDERED:

DATED: Honolulu, Hawaii, October 8, 2021 .



/s/ DERRICK K. WATSON
JUDGE OF THE ABOVE-ENTITLED COURT

Lance S. Choda v. County of Hawaii; Civil No. 1:21-cv-384 DKW-RT;
Stipulation and Order