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Attorney for Plaintiff

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

EDWARD ODQUINA,) Civil Action No. _____
)
) COMPLAINT FOR VIOLATION
) OF FEDERAL CIVIL RIGHTS
Plaintiff,) UNDER 42 U.S.C. §1983,
) DECLARATORY AND
v.) INJUNCTIVE RELIEF
)
HONOLULU COUNTY, and)
HOLLY T. SHIKADA, in her)
Official Capacity as the Attorney General)
of the State of Hawaii)
)
)
Defendants)
_____)

**VERIFIED COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

COME NOW the Plaintiff, EDWARD ODQUINA by and through his undersigned counsel, and complains of the Defendants as follows:

I. PARTIES

Plaintiff

1. Plaintiff Edward Odquina (Odquina) is an adult male resident of the State of Hawaii and resides in Honolulu County and is a citizen of the United States.

Defendants

2. Defendant City and County of Honolulu (“City”) is a municipal corporation incorporated under the laws of the State of Hawaii. The City is authorized by law, under HRS 249, et seq, and other Hawaii revised statutes and Revised Ordinances of Honolulu, through its departments and agencies, to issue specialty license plates for vehicles. The County is therefore ultimately responsible for the departments of finance and customer services and their actions, and therefore, must assume the risks incidental to the maintenance of those agencies and departments, their employees, laws, customs and policies. The County can be served by serving the Department of the Corporation Counsel, County of Honolulu, 530 South King Street, Honolulu, Hawaii 96813.

3. Defendant Holly T. Shikada is the Attorney General of the State of Hawaii (“State”) and is sued in her official capacity, pursuant to *Ex parte Young*, 209 U.S. 123 (1908), and is responsible for enforcing the State of Hawaii’s customs, policies, practices and laws related to the State of Hawaii

and the Hawaii Revised Statutes as they pertain to the issuance of specialty vehicle license plates. Defendant Shikada may be served at the Office of Attorney General located at 425 Queen St, Honolulu, Hawaii 96813.

II. JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343, 2201, 2202 and 42 U.S.C. § 1983 and § 1988.

5. Venue lies in this Court pursuant to 28 U.S.C. § 1391.

6. Mr. Odquina brings this civil rights lawsuit pursuant to 42 U.S.C. § 1983, for the violation of rights secured by the First Amendment to the United States Constitution, as applied to the states by the Fourteenth Amendment.

III. STATEMENT OF LAW

1st Amendment

7. The First Amendment to the United States Constitution provides: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

8. Hawaii Revised Statutes, 249 et seq, provides that vehicle license plates are issued for each vehicle. State, through the Hawaii Revised Statutes, has different programs for license plates that convey a governmental message,

such as support for the Haleakala National Park and Volcanoes National Park, see HRS 249-9.5, as well as support for the Polynesian Voyaging Society and Environmental Conservation, see HRS 249-9.6 and 9.7. Additionally, the State, through Hawaii Revised Statutes, allows for specifically identified persons to have license plates associated with a status specific to the person, such as military service, which has to be proven, see HRS 249-9.2.

Finally, State, through Hawaii Revised Statutes 249-9.1, allows for personalized free speech messages conveyed through license plates assigned to vehicles, specifically “The special number plates shall conform to the requirements provided for the uniform number plates except that the owner may request the choice and arrangement of letters and numbers. The maximum number of letters and numbers shall be six and only one hyphen will be allowed in addition to and in lieu of the six letters and numerals. No other punctuation marks shall be allowed. The director of finance shall not issue special number plates which have the letter and numeral combination of regular plates, are misleading or publicly objectionable.” Hawaii Revised Statutes, 249 et seq, assign County the responsibility of contracting for license plates, collecting taxes for each vehicle, and the issuance of specialty license plates including personalized license plates under HRS 249-9.1. Hawaii Revised Statutes 249-9.3 provides an application process for those groups

wishing to have the government approve a specialty license plate design which others could purchase as a background for their license plate.

9. *Walker v. Texas Div., Sons of Confederate Veterans, Inc.*, 135 S. Ct. 2239 (2015) provides that the government may control the message the *government* sends with regard to license plate designs that would be available for large groups of vehicle owners who wish to support that general message, but not for individually specialized plates for an individual driver.

10. Hawaii Revised Statutes 249-9.1 provides “The director of finance shall adopt rules pursuant to chapter 91 to carry out this section.” County has no publicly available rules adopted pursuant to chapter 91 (HRS), see <https://www.honolulu.gov/budget/>, and <https://www.honolulu.gov/cms-ocs-menu/site-ocs-sitearticles/839-table-of-contents.html>, last accessed on August 24, 2022.

11. *Iancu v. Brunetti*, 139 S.Ct. 2294 (2019) provides that “...a law disfavoring ‘ideas that offend’ discriminates based on viewpoint, in violation of the First Amendment.”

FACTUAL ALLEGATIONS PLAINTIFF’S FREE SPEECH INTERESTS

12. Odquina owns a motor vehicle, a car, and applied for, paid for and was approved to receive a personalized specialty license plate for his car

with the lettering combination “FCKBLM” on or about January 5, 2021, see attached redacted digital snapshot of the transaction attached as Exhibit 1.

13. Odquina later took physical possession of the license plate “FCKBLM” and attached it to his vehicle.

14. Odquina’s vehicle bearing the license plate “FCKBLM” was appropriately registered, insured and all applicable taxes were paid at the time the “FCKBLM” license plate was provided to Odquina.

15. “BLM” is an acronym for the group Black Lives Matter. BLM was founded in 2013 in response to the death of Trayvon Martin. Trayvon Martin was a black seventeen year old who lived in Florida and who, in 2012, encountered a Mr. Zimmerman. Zimmerman was a volunteer neighborhood watchman. Zimmerman called the police and told police that Martin was a suspicious person. Zimmerman and Martin encountered each other, there was an altercation and Zimmerman shot Martin killing him. Zimmerman was later acquitted of second degree murder and manslaughter charges claiming self-defense. Generally speaking, BLM is characterized as being known as focusing on perceived racism, police brutality and structural racism. It claims to be decentralized. In 2013, following the death of George Floyd, another black man, who died while being arrested and for which later several police officers were charged and convicted, there were nationwide protests. BLM

became very well known across the country and became associated, rightly or wrongly, with the massive and widespread protests and the significant violence and riots associated with the protests that caused numerous deaths and billions of dollars worth of damage. BLM is a polarizing group. Statements, stances, beliefs, and goals associated with BLM have been widely known throughout the U.S. Odquina vehemently disagrees with BLM's publicly stated positions and positions associated with it, including but not limited to, defunding police departments and its assertions that many or all police officers and the criminal justice system itself, are inherently racist and violent to minorities, specifically black Americans.

16. Odquina started and incorporated the business "Film Consulting KravMAGA Bloomberg, LLC" on August 13, 2021 in Hawaii and intended to use the acronym "FCKBLM" to advertise that business. Odquina also has a website for the business, www.FCKBLM.org. Odquina is so opposed to the policies and statements of BLM that he sought the "FCKBLM" license plate to also convey his personal opinion and exercise his free speech rights. BLM has caught the attention of politicians recently and in certain places has received either permission to display their motto, colors, flag and associated messages or the government itself has displayed such messages and has thus received considerable governmental approval and has been able to convey and

deliver its messages widely. See <https://www.nbcboston.com/news/local/massive-black-lives-matter-display-approved-for-street-in-front-of-vt-capital/2142367/>, Vermont capital approves BLM display, <https://abc7news.com/black-lives-matter-sfpd-blm-poste/6368265/>, BLM sign to be posted at every San Francisco police station, <https://www.foxnews.com/politics/biden-state-department-blm-flag>, U.S. State Department allows BLM flag to be flown at embassies because it supports the BLM message, <https://www.govexec.com/management/2020/07/federal-employees-may-wear-or-display-black-lives-matter-paraphernalia-work/166956/>, under the Hatch Act federal employees may wear BLM insignia because BLM is not electoral campaign based but is issue based, all accessed last on August 24, 2022.

17. After he applied for the “FCKBLM” plate but before Odquina received his plates, he received a telephone call and a County employee asked him what the plate meant and Odquina verbally explained that “FCKBLM” was an acronym for his business. County employee explained that the plate had been flagged and after that conversation, Odquina later received his “FCKBLM” license plates. On July 6, 2021 a letter was sent to Odquina informing him

that the license plate “FCKBLM” had been recalled because it was “objectionable”.

18. On August 7, 2021 Francis Kau, a licensing administrator with County Department of Customer Services left a phone message with Odquina informing him that the “FCKBLM” license plate had been recalled. See Exhibit 2 a letter from Kau relating that the phone message had been left.

19. On August 11, 2021, Francis Kau, a licensing administrator with County Department of Customer Services delivered a letter to Odquina informing him that license plate “FCKBLM” had been recalled. See Exhibit 2. The letter informed Odquina that the license plate “FCKBLM” had been recalled because “Your personalized special license plate has been determined to be publicly objectionable due to an implied expletive in the first three combination of letters on the license plate.”

20. On June 30, 2022 County Department of Corporation Counsel delivered a letter to Odquina informing him that County “has been authorized to take legal action against you for your failure to surrender the special number plates issued to you with the letters "FCKBLM", and “The Department of Customer Services, City and County of Honolulu informed you on numerous occasions that the “FCKBLM” plates are "publicly

objectionable," and accordingly are in violation of section Haw. Rev. Stat§ 249-9.1.”

21. Odquina has not been able to register his vehicle, which must be done annually, since mid 2021, and since County has not allowed him to renew his registration and recalled the license plate “FCKBLM” he is subject to citation, seizure of his personal property, his car, and impoundment of his vehicle should he drive his vehicle on a public road and his vehicle may later be sold. He also has not been able to advertise his business.

22. County has authorized and threatened legal action against Odquina. See https://www.kitv.com/news/honolulu-city-council-authorizes-lawsuit-against-owner-of-fckblm-license-plates/article_36172426-2383-11ed-846b-2b3193336402.html, last accessed August 25, 2022.

23. There is a telephone number for County to receive complaints regarding license plates.

COUNT I

U.S. CONST., AMEND. I

24. Plaintiff repeats and realleges the allegations of the preceding paragraphs as if set forth herein;

25. Odquina has very strong beliefs and views including political beliefs and views and he wishes to express his views through a personalized license plate for a vehicle he owns and a business he started.

26. Hawaii law allows owners of vehicles to, subject to additional processes and fees, acquire, own and display on their vehicle, a license plate that conveys a governmentally approved government message such as “Haleakala National Park” or environmental conservation. Additionally, Hawaii laws permit a person to, with appropriate fees, process and proof, through HRS 249-9.2, display a vehicle license plate that conveys a message to the public that the State of Hawaii has approved to convey the message that the owner of the vehicle possesses certain characteristics, specifically limited to plates that show or are described as follows:

(1) Purple heart recipients shall include the words "COMBAT WOUNDED";

(2) Veterans shall include the word "VETERAN";

(3) Pearl Harbor survivors shall include the words "PEARL HARBOR SURVIVOR";

(4) Former prisoners of war shall include the words "FORMER PRISONER OF WAR";

(5) Combat veterans shall include the words "COMBAT VETERAN";

(6) Veterans of the Vietnam conflict shall include the words "VIETNAM VETERAN";

(7) Veterans of the Korean conflict shall include the words "KOREA VETERAN";

(8) Veterans of World War II shall include the words "WORLD WAR II VETERAN";

(9) Veterans of the Persian Gulf conflict shall include the words "PERSIAN GULF VETERAN"; and

(10) Gold star family members, including grandparents, shall include the words "GOLD STAR FAMILY".

27. Finally, the State of Hawaii allows owners of vehicles to deliver their own personalized individual message through a vehicle license plate through a combination of letters and numbers, six in total, that are arranged in such a way so as to convey a message, which could include almost anything such as "BOB CAR" or "LUV TEA". See HRS 249-9.1. Apart from the limitation of six numbers or letters, the owner of the vehicle can request any combination, provided that the combination is not "misleading or publicly objectionable". HRS 249 et seq does not provide any definition of what qualifies as "misleading or publicly objectionable". Neither the Hawaii Revised Statutes, nor the Hawaii Administrative code, nor the Revised

Ordinances of Honolulu, nor HRS Chapter 91 promulgated rules by the County Director of Finance provide any guidance, let alone specific guidelines, to State or County with regard to what is “misleading or publicly objectionable”.

Despite not having any official rules or guidance, on County’s website, <https://www.honolulu.gov/cms-csd-menu/site-csd-sitearticles/42896-personalized,-specialty-license-plates.html>, last accessed September 7, 2022, under the link for “personalized license plates” there is a pdf document, that is unattributed and unauthored, but which states “A Motor Vehicle Registration Branch review staff will reject requests for personalized license plates with letter and number combinations that are deemed to be potentially offensive to good taste and decency.”, and “All personalized license plate requests get a first-round review. The ones deemed questionable get flagged for additional scrutiny.”, and “Forbidden phrases include terms of lust, depravity, prejudice, hostility, contempt and profanity in English or any other language.”, and “Motorists who are applying for personalized license plates must follow state government guidelines prohibiting lewd, obscene or hateful language.”, and “Motorists requesting personalized plates have to explain on the application the meaning of the phrase they want.” See Exhibit 3. There is no paperwork

associated with any personal explanation for any license plate. Apparently, an unrecorded telephone call is the process for an explanation, after initial review, though this is nowhere stated. Furthermore, the county personalized license plate eligibility and reservation website, <https://www12.honolulu.gov/specialplates>, last accessed September 7, 2022, where a person can determine if the combination has already been issued, does not have any place to explain the meaning of the plate. That website, once an available combination has been input, warns “The Customer Services Department reserves the right to reject an application at any time for any reason. Recipients of approved special plates will receive a notification within 60 to 90 days instructing you of how you may pick up your special plate.”

28. Personalized license plate configurations reflect the applicant’s personal expression. Thus, Hawaii Revised Statutes § 249-9.1 restricts an individual’s First Amendment free speech rights.

29. Hawaii’s regulation on personalized license plate configurations that are “misleading or publicly objectionable” imposes content-based and viewpoint-based restrictions on speech. Because personalized license plates

exist as a forum of expression for the plate's holder, the regulation is subject to strict scrutiny.

30. Odquina's messages include one that is strong, personal, and others may find it offensive and the first amendment protects messages that are strong, personal and that others may find offensive. His intent to advertise is tied to grabbing a viewer's attention and a person being inquisitive about its meaning when seeing the plate.

31. Hawaii's regulation on personalized license plate configurations that are "misleading or publicly objectionable" is not narrowly tailored to any compelling governmental interest.

32. Even if a lesser standard of review, such as reasonableness review applies, Hawaii's regulation on personalized license plate configurations that are "misleading or publicly objectionable" is invalid under the First Amendment.

33. Hawaii's regulations on personalized license plate configurations forces the County to make inconsistent and subjective decisions about which license plate configurations are prohibited under HRS §249-9.1.

34. County officials enforcing HRS §249-9.1 determine the meaning of configurations based on the official's own subjective judgments about the meaning as well as current public opinion as evidenced by media attention.

35. Because H.R.S. § 249-9.1 imposes a vague ban on “misleading and publicly objectionable” license plate configurations, the regulation allows County decisionmakers to discriminate on the basis of viewpoint.

36. Because it imposes a categorical ban on personalized license plate configurations that are “misleading or publicly objectionable” H.R.S. §249-9.1 is facially overbroad.

37. Because there are no definitions and no guidance, H.R.S. §249-9.1 is void for vagueness. The unofficial guidance is vague and overbroad.

38. County and State currently maintain and actively enforce a set of laws, practices, policies, and procedures under color of state law that deprive Odquina of his right to freedom of speech, in violation of the First and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983.

39. Odquina has no adequate remedy at law to compensate for the loss of these fundamental freedoms and will suffer irreparable injury absent an

injunction restraining the County and State's enforcement of the regulations complained of in this action. Odquina is therefore entitled to declaratory and permanent injunctive relief against the continued enforcement and maintenance of the State and County's unconstitutional laws, practices, and policies. *See* 28 U.S.C. §§ 2201, 2202.

**H.R.S. §249-9.1 VIOLATES THE FIRST AMENDMENT AS APPLIED TO
ODQUINA**

40. Odquina incorporates the allegations in the preceding paragraphs.

41. County's decision to recall a specialized license plate with the personalized configuration of "FCKBLM" violates the First Amendment.

42. The message of "FCKBLM" is a personal expression of free speech and conveys displeasure and dislike of an organization and its messages, goals, beliefs and stances and seeks to receive interrogatory to further a business simultaneously.

43. County recalled the license plate "FCKBLM", after initially issuing it, and then media coverage and political response to the perceived message brought County council to target Odquina.

44. “FCKBLM” publicly expresses displeasure with an organization, Black Lives Matter, and its messages and is the personal opinion and free speech expression of Odquina. Privately the plate pertains to a business.

45. County recalled and disallowed further renewal of registration of license plate “FCKBLM” without any evidence of any alleged or supposed harm.

46. County and State have no evidence that the recall of “FCKBLM” and the ban of license plate configurations that are “misleading or publicly objectionable” furthers any legitimate governmental interest.

47. County and State currently maintain and actively enforce a set of laws, practices, policies, and procedures under color of state law that deprive Odquina of his right to freedom of speech, in violation of the First and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983.

48. Odquina has no adequate remedy at law to compensate for the loss of these fundamental freedoms and will suffer irreparable injury absent a temporary restraining order and a preliminary injunction restraining County and State’s enforcement of the regulations complained of in this action. Odquina is therefore entitled to declaratory and permanent injunctive relief

against continued enforcement and maintenance of County and State's unconstitutional laws, practices, and policies. *See* 28 U.S.C. §§ 2201, 2202.

H.R.S. §249-9.1 VIOLATES THE FIRST AMENDMENT FACIALLY

49. Odquina incorporates the allegations in the preceding paragraphs.

50. County's decision to recall a specialized license plate with the personalized configuration of "FCKBLM" violates the First Amendment and proves that the statute, when applied correctly by County, violates the First Amendment. County also employs its own subjective policy.

51. The message of "FCKBLM" is a personal expression of free speech and conveys displeasure and dislike of an organization and its messages, goals, beliefs and stances and is an example of free speech that is captured, covered by and unconstitutionally by HRS 249-9.1.

43. County recalled the license plate "FCKBLM", after initially issuing it, showing that the statute can be applied to prohibit free speech on a whim.

44. "FCKBLM" expresses displeasure with an organization, Black Lives Matter, and its messages and is protected free speech and HRS 249-9.1 allows State and County to silence free speech for any reason including that County and or State do not agree with the message.

45. County recalled and disallowed further renewal of registration of license plate “FCKBLM” without any evidence of any alleged or supposed harm and the statute does not require any analysis of actual harm and offensive messages are not harm that allows the government to prohibit the free speech exercise and conveyance of those messages.

46. County and State have no evidence that the ban of license plate configurations that are “misleading or publicly objectionable” furthers any legitimate governmental interest.

47. County and State currently maintain and actively enforce a set of laws, practices, policies, and procedures under color of state law that deprive persons of their rights to freedom of speech, in violation of the First and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983.

48. Motorists and applicants seeking personalized license plates have no adequate remedy at law to compensate for the loss of these fundamental freedoms and will suffer irreparable injury absent an injunction restraining County and State’s enforcement of the regulations complained of in this action. Odquina is therefore entitled to declaratory and permanent injunctive

relief against continued enforcement and maintenance of County and State's unconstitutional laws, practices, and policies. *See* 28 U.S.C. §§ 2201, 2202.

REQUESTED RELIEF

WHEREFORE, Plaintiff prays for judgment from this Court as follows:

1. Declare Hawaii Revised Statutes § 249-9.1, facially and as applied to Plaintiff, unconstitutional under the First Amendment and Fourteenth Amendment.
2. Enjoin Defendants, their employees, agents, successors, assigns, and all persons acting in concert with them, from continuing to enforce the ban on personalized license plate configurations that are “misleading or publicly objectionable” contained in Hawaii Revised Statutes, § 249-9.1, as well as any and all implementing administrative rules and regulations, and practices and policies by which Defendants enforce, the provision against Plaintiff or any other person.
3. Award Plaintiff his costs and reasonable attorneys' fees pursuant to 42 U.S.C. § 1988.
4. Award nominal damages.
5. Award compensatory damages.

6. Grant such other relief that this Court deems just and proper.

Dated: September 9, 2022.

Respectfully submitted,

/s/ Kevin O'Grady
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Honolulu, Hawaii 96813
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Hawaii Bar No. 8817
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Attorney for Plaintiff

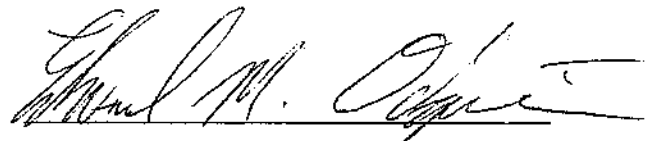
VERIFICATION

I, Edward Odquina, declare as follows:

1. I am the Plaintiff in the present case and a citizen of the United States of America.
- 2 . I have personal knowledge of myself, my activities, and my intentions , including those set out in the forgoing *Verified Complaint for Declaratory and Injunctive Relief*, and if called on to testify, I would competently testify as to the matters stated herein.
3. I verify under penalty of perjury under the laws of the United States of

America that the factual statements in this *Verified Complaint for Declaratory and Injunctive Relief* concerning myself, my activities and my intentions are true and correct.

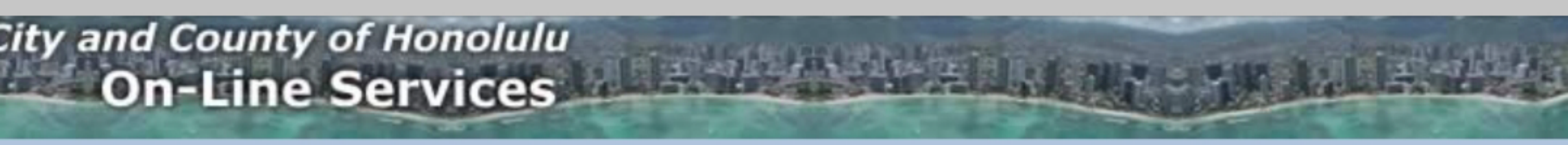
Executed on September 9, 2022



EDWARD ODQUINA

EXHIBIT

1



Special Personalized Plate Order

Current Date and Time 1/5/2021 10:32:38 AM HST

Thank You!

Your transaction is approved. Your Transaction ID or Confirmation Code is .

Please print this page for your personal record.

Applicant Information

EDWARD M ODQUINA

Billing Information

EDWARD ODQUINA

Type	Plate #	Credit Card #	Total
CAR/TRUCK	FCKBLM		\$25.00

Please allow 60 to 90 days for manufacturing from the date of your order. Upon receipt of your plate from the manufacturer, a notification letter will be mailed to you providing appropriate instructions for assignment to your vehicle.

If you have any questions regarding this transaction, please contact the Division of Motor Vehicles & Licensing at (808) 768-4325.

[Click here to Start a new Special Plate Order transaction.](#)

New Search

This service is provided by:

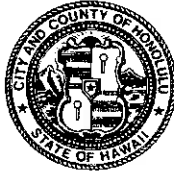


EXHIBIT

2

DEPARTMENT OF CUSTOMER SERVICES
CITY AND COUNTY OF HONOLULU
DIVISION OF MOTOR VEHICLE, LICENSING AND PERMITS
ADMINISTRATION
P. O. BOX 30300
HONOLULU, HAWAII 96820-0300
<http://www.honolulu.gov>

RICK BLANGIARDI
MAYOR



NOLA N. MIYASAKI
DIRECTOR

KIMBERLY M. HASHIRO
DEPUTY DIRECTOR

FRANCIS A. P. KAU
LICENSING ADMINISTRATOR

CERTIFIED MAIL

August 11, 2021

Mr. Edward Odquina

Dear Mr. Odquina,

This is a follow-up letter to confirm that the personalized special license plate (**FCKBLM**) has been recalled by the City and County of Honolulu. Thomas Farr, Supervising MVR Clerk I, left you a phone message on August 7, 2021 regarding the special plates, requesting that you return his call. He subsequently sent you a letter on Tuesday, August 10, 2021. Your personalized special license plate has been determined to be publicly objectionable due to an implied expletive in the first three combination of letters on the license plate.

Please surrender this plate within six (6) business days from the date of this letter, no later than August 19, 2021. You can turn it in to any satellite city hall in the City and County of Honolulu. We will replace your recalled special license plate without additional charge. If you do not want another personalized special license plate, we will refund you the \$25.00 fee that you paid for the original special plate.

If you fail to return the recalled personalized special license plate by August 19, 2021, you will be driving your vehicle with a recalled, unauthorized license plate which is considered illegal and equivalent to a civil violation under Hawaii Revised Statutes (HRS) Chapter 249. Your vehicle may be subject to citation, penalty and possible seizure by the Honolulu Police Department, to which you may redeem within a ten-day period by payment of any delinquent penalties, the cost of storage, and other charges incident to the seizure of the vehicle.

Furthermore, you will not be able to register your vehicle again in the City and County of Honolulu until the recalled license plate is properly surrendered to the Motor Vehicle Registration Branch. Your cooperation and compliance in this matter would be appreciated.

Should you have any questions, please email

gov or call (808) 768-9199.

Sincerely,

A handwritten signature in black ink, appearing to read "Francis A. P. Kau", with a stylized flourish at the end.

Francis A. P. Kau
Licensing Administrator

cc: Chief Rade Vanic, Honolulu Police Department

EXHIBIT

3

PERSONALIZED LICENSE PLATES



General Information

Personalized license plates are available for Oahu residents with cars, trucks, motorcycles and trailers currently registered with the City and County of Honolulu.

Oahu residents may order personalized license plates as a gift for an individual with a vehicle registered in the City and County of Honolulu.

It will take 60 to 90 days for the license plate to be prepared and additional time for the requestor to be notified and complete the pickup and replacement procedures.

License plates are primarily meant for law enforcement officers to identify vehicles in cases of crime and to safeguard drivers on the road.

A Motor Vehicle Registration Branch review staff will reject requests for personalized license plates with letter and number combinations that are deemed to be potentially offensive to good taste and decency.

All personalized license plate requests get a first-round review. The ones deemed questionable get flagged for additional scrutiny.

Requirements



Letter/number combination

- A personalized license plate is limited to a combination of six letters and numbers.
- A space is counted as one character. One hyphen is allowed in addition to the six letter and number combination. No other punctuation marks are allowed.

- All license plates issued in the City and County of Honolulu are government property and speak for the Hawaii state government. The City and County of Honolulu has the right to regulate what can be written on a license plate as long as the regulations are reasonable and uniformly applied.
- Forbidden phrases include terms of lust, depravity, prejudice, hostility, contempt and profanity in English or any other language.
- Motorists who are applying for personalized license plates must follow state government guidelines prohibiting lewd, obscene or hateful language.
- Motorists requesting personalized plates have to explain on the application the meaning of the phrase they want.

Ordering a personalized license plate



Oahu residents with currently registered vehicles may order the license plate [online](#).

1. Go to the city's [personalized plate website](#) to check if the preferred character combination is available.
2. If the license plate is available, reserve it by completing and submitting the online application. You must enter a valid mailing address and email address.
3. Complete payment with a credit card. **The annual fee for a personalized license plate is \$60, which will be added to all subsequent motor vehicle renewal fees and taxes.**
4. After successfully ordering the license plate and approval of letter/number combination, you will receive a letter in 60 to 90 days. The letter provides procedures and requirements for the following.
 - Selecting a satellite city hall pick up location.
 - Updating and renewing the vehicle registration.
 - Replacing the current license plates and registration decal.
 - Payment of fees. **The license plate and emblem replacement fee is \$5.50.**

Apply in person at a satellite city hall



Oahu residents may also apply in person at a [satellite city hall](#)

- Make an appointment to visit a satellite city hall at [AlohaQ.org](#).
- Staff will assist you with the license plate request and payment at your satellite city hall appointment. **The annual fee for a personalized license plate is \$60, which will be added to all subsequent motor vehicle renewal fees and taxes.**
- After approval of the requested license plate letter/number combination, you will receive a letter in 60 to 90 days providing procedures and requirements. The letter provides procedures and requirements for the following.
 - Selecting a satellite city hall pick up location.
 - Updating and renewing the vehicle registration.
 - Replacing the current license plates and registration decal.
 - Payment of fees. **The license plate and emblem replacement fee is \$5.50.**

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) _____

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known) _____

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE _____ SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.