

CV-11-80

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

CHRISTOPHER BAKER,

Plaintiff,

vs.

LOUIS KEALOHA, as an individual and
in his official capacity as Honolulu Chief
of Police;
STATE OF HAWAII;
CITY AND COUNTY OF HONOLULU;
HONOLULU POLICE DEPARTMENT;
NEIL ABERCROMBIE, in his official
capacity as Hawaii Governor,

Defendants.

ACK
CASE NO. CV 11 00528 KSC

PLAINTIFF CHRISTOPHER
BAKER'S MOTION FOR
PRELIMINARY INJUNCTION;
MEMORANDUM IN SUPPORT OF
MOTION FOR PRELIMINARY
INJUNCTION; EXHIBITS ONE
AND TWO; DECLARATION OF
CHRISTOPHER BAKER;
DECLARATION OF RICHARD L.
HOLCOMB; NOTICE OF
HEARING; CERTIFICATE OF
SERVICE

**PLAINTIFF CHRISTOPHER BAKER'S
MOTION FOR PRELIMINARY INJUNCTION**

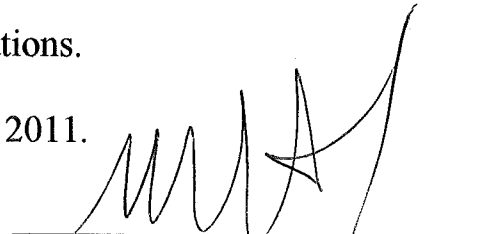
COMES NOW the Plaintiff, Christopher Baker, by and through the undersigned counsel and pursuant to the Second, Fifth, and Fourteenth Amendments to the United States Constitution, as well as Rules 7(b) and 65 of the Federal Rules of Civil Procedure, and requests that this Court issue an Order:

- enjoining Defendants, their officers, agents, servants, employees, and all persons in active concert or participation with them who receive notice of the injunction, from enforcing and maintaining Sections 134-5, 134-9(c), 134-16, 134-23, 134-24, 134-25, 134-26, 134-27 and 134-51 of the Hawai'i Revised Statutes and/or any of these individual provisions as the Court may find are unconstitutional during the pendency of this suit;
- enjoining Defendants, their officers, agents, servants, employees, and all persons in active concert or participation with them who receive notice of the injunction, from: requiring license to carry applicants to satisfy the Chief of Police or any other person that the applicants' circumstances constitute an "exceptional case;" requiring license to carry applicants to show any "urgency or necessity" in support of their application; and from denying license to carry applications based on the failure to do so, where the applicants are otherwise fit and qualified to exercise their Second Amendment rights during the pendency of this suit;

- enjoining Defendants, their officers, agents, servants, employees, and all persons in active concert or participation with them who receive notice of the injunction, from depriving law-abiding citizens, who apply for a permit to carry pursuant to Section 134-9 of the Hawai'i Revised Statutes and who are fit and qualified to exercise their Second Amendment rights, from bearing or transporting firearms and ammunition unless and until the citizen has been afforded minimal due process protections and, thereafter, the applicant has been found to be unfit, during the pendency of this suit; and
- compelling Defendants, their officers, agents, servants, employees, and all persons in active concert or participation with them who receive notice of the order to issue a license to carry authorizing Mr. Baker to bear a concealed or openly displayed firearm, including a handgun or pistol, in public for all protected purposes and to recognize and honor all rights and privileges that the permit confers upon Mr. Baker, during the pendency of this suit.

In furtherance of this Motion, Mr. Baker relies upon the attached Memorandum of Law, Exhibits and Declarations.

DATED: Honolulu, Hawaii, August 28, 2011.



Richard L. Holcomb
Attorneys for Plaintiff
Christopher Baker

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