

ORIGINAL

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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

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8 IN THE UNITED STATES DISTRICT COURT

9 IN THE STATE OF HAWAII

Case No. CV18 00379 JMSKSC

10 Timothy Chey,

11 Plaintiff

12 vs.

13 HAWAII FILM OFFICE, BENITA

14 BRAZIER, DONNE DAWSON,

15 DOES 1-10,

16 DEFENDANTS

17 COMPLAINT FOR DAMAGES

- 18 1) FRAUD AND DECEIT
- 19 2) BREACH OF IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING
- 20 3) VIOLATION OF CIVIL RIGHTS  
42 U.S.C. § 1983 [Free Speech]  
42 U.S.C. §1983 [Equal Protection]
- 21 4) INTERFERENCE WITH PROSPECTIVE BUSINESS ADVANTAGE
- 22 5) BREACH OF WRITTEN CONTRACT
- 23 6) INTENTIONAL MISRESPRESENTATION
- 24 7) NEGLIGENT MISREPRESENTATION
- 25 8) PROMISSORY FRAUD
- 26 9) BREACH OF IMPLIED CONTRACT
- 27 10) QUANTUM MERUIT
- 28 11) NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
- 12) INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
- 13) CIVIL CONSPIRACY
- 14) UNFAIR COMPETITION
- 15) PROMISSORY ESTOPPEL
- 16) BREACH OF ACCOUNTING
- 17) DECLARATORY RELIEF
- 18) UNJUST ENRICHMENT
- 19) PREMLINARY AND PERMANENT INJUNCTION
- 20) WRIT OF ATTACHMENT

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**DEMAND FOR A JURY TRIAL**

Plaintiff (Filmmaker), an individual, as for his Complaint against DEFENDANTS HAWAII FILM OFFICE, BENITA BRAZIER, DONNE DAWSON, inclusive demands a jury trial and alleges as follows:

**JURISDICTION AND VENUE**

1. The United States District Court for the District of Hawaii has jurisdiction over this matter pursuant to 28 U.S.C., Section 1332. The amount in controversy in this case, exclusive of interest and costs, exceeds \$75,000. Venue is proper in this District pursuant to 28 U.S.C., Section 1391
2. The United States District Court for the District of Hawaii also has jurisdiction over this matter as Plaintiff's claim arises under diversity of citizenship. Plaintiff resides in California and Defendants reside in Hawaii.

**PARTIES**

3. Plaintiff Tim Chey is a well-respected attorney, film producer, Harvard/USC alumnus. He has been on Fox Morning News, NBC News, and his work has been seen on MSNBC, the Wall Street Journal, LA Times, CNN, and Today Show.
4. Plaintiff has never filed a lawsuit against a governmental agency in any state.
5. Plaintiff is informed and believe that, and thereon alleges, that defendants are Hawaii residents.
6. Defendant Hawaii Film Office is a state government agency.
7. Defendant Benita Brazier is a state employee and, Plaintiff believes, acted outside the scope of her agency.

1 8. Defendant Donne Dawson is a state employee, and Plaintiff believes, acted outside the  
2 scope of her agency.

3  
4 **INTRODUCTION**

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6 9. According to The Center for Public Integrity, the State of Hawaii received a D+ overall  
7 grade for integrity of government; NPR says the State of Hawaii is considered the most  
8 corrupt government of all 50 states; and finally, in a recent poll, people believe Hawaii is  
9 run like a 'Third-World country'.

10 10. Is it any wonder then that the Defendant Hawaii Film Office has committed overt and  
11 stark fraud by not honoring its 20% rebate that it advertised to faith-based filmmaker Tim  
12 Chey in inducing Filmmaker to film in Hawaii?

13 11. Filmmaker is a Harvard and USC alumnus, attorney, producer of 12 feature films and  
14 returned all the required papers with military precision. Anything less is a complete  
15 fraudulent and false narrative from of all the Defendants collectively.

16 12. Filming in Hawaii was the absolute worst experience Plaintiff (Filmmaker) ever dealt  
17 with in 22 years and 12 movies, including 'Freedom' (Cuba Gooding, Jr., Sharon Leal)  
18 for Showtime TV and 'Slamma Jamma' (Michael Irvin, Jose Canseco) for Sony Pictures.

19 13. Defendants, including the Hawaii Film Office, deceived Filmmaker multiple times,  
20 showing the most astonishing ineptness and behavior in giving out classified information  
21 to crew members, refusing to honor the 20% rebate by literally stating all the receipts,  
22 pay stubs of crew and cast are invalid. This reprehensible conduct is for no other reason  
23 than to 'teach' the Filmmaker a lesson for possibly making a faith-based film about  
24 Native Hawaiian history.

25 14. The Defendants blatantly lied, hid, conspired, slandered, and finally sabotaged  
26 Filmmaker in receiving the 20% rebate.

27 15. Filmmaker is asking the Honorable Court and the trial jury for \$100 million in punitive  
28 damages from each of the Defendants collectively or separately.

1 16. Filmmaker intends through full and complete discovery - including interrogatories,  
2 depositions of each party and other film producers and possible motions to compel - to  
3 ascertain why they have mistreated the Filmmaker from day one and now refuse to issue  
4 the rebate which is very small and nominal compared with the big Hollywood movies.

5 17. Imagine the incredible audacity: The Defendants treated Filmmaker with complete  
6 contempt when his whole mission was to honor the memory of a brave Hawaiian queen,  
7 and in doing so, casted over 98% of Native Hawaiian/Polynesians in his cast.

8 18. Attorney and Filmmaker Tim Chey is a well-respected attorney, philanthropist, film  
9 producer, and director of 12 films with two Academy-Award winning actors.

10 19. Chey is one of the top faith-based writer/directors in the U.S. of 12 feature films,  
11 including 'David and Goliath' (Jerry Sokolosky) filmed in North Africa and London,  
12 'The Genius Club' (Tom Sizemore, Stephen Baldwin, Tricia Helfer) 'Suing the Devil'  
13 (Malcolm McDowell, Tom Sizemore, Corbin Bernsen), 'Freedom' (Cuba Gooding, Jr.,  
14 Sharon Leal, William Sadler), Fakin' Da Funk (Pam Grier, Bo Jackson, Ernie Hudson),  
15 "Slamma Jamma" (Michael Irvin, Jose Canseco), and 'The Islands' (John Savage, Mira  
16 Sorvino).

17 20. Chey has made guest appearances on Fox Morning News, NBC, TBN, and other national  
18 TV shows. His work has been disseminated in the Wall Street Journal, NY Times, LA  
19 Times, Roger Ebert, CNN, ABC Family, Lifetime, USA Networks, TRU, History  
20 Channel, and over 100 more media outlets.

21 21. Filmmaker declares, under the penalty of perjury, that he has never been sued or sued any  
22 government agency. He also declares again Defendants were the most incompetent  
23 governmental film employees he has ever worked with in his 22 years and 12 movies in  
24 the industry.

25 22. Plaintiff is also a Consumer Advocate who is filing this case to protect other innocent  
26 filmmakers, regardless of their beliefs or faith, from having to go through what he  
27 endured.  
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1 23. Filmmaker was left with no alternative but to file this action in the wake of the overt and  
2 repeated acts of willful and malicious actions by Defendants.

3 24. While Filmmaker loved working with the local crew, and thought the majority of them  
4 were fantastic, he is exiting from making any further films in Hawaii. He believes he was  
5 thoroughly sabotaged by a core group of bigoted, and quite vicious people, who disavow  
6 Christianity in Hawaii.

7 25. Filmmaker suffered death threats and physical abuse at the hands of this core group of  
8 people that have actively smeared Filmmaker at every turn. Plaintiff Filmmaker needs to  
9 ascertain who was involved and will expand the Defendant's class once he finds out.

10 26. Defendants Benita Brazier and Donne Dawson clearly acted outside of their agency  
11 capacity in denying the rebate and the Hawaii State AG should not defend them.

12 27. Plaintiff is also filing a state whistle-blower lawsuit in the State of Hawaii that the Hawaii  
13 Film Office has wasted the Hawaii taxpayer's dollars by letting Hollywood studios receive  
14 possibly millions of dollars in unauthorized rebates.

15 28. Plaintiff may file a complaint with the FBI to hold investigations into what occurred and  
16 why Filmmaker was discriminated against in such blatant and malicious ways by Defendants  
17 individually and collectively.

18  
19 **STATEMENT OF FACTS**

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21 **29.** On or about April 2017, Filmmaker began pre-production of one of most ambitious  
22 movies on Hawaii history ever - on the lives of Chiefess Kapiolani, King Kamehameha,  
23 Captain Cook, and Queen Liliuokalani.

24 **30.** The film made news around the world, including US News and World Report, NBC,  
25 ABC, and local Hawaiian media (Hawaii News Now, Star Advertiser, KHON, KITV, et  
26 al).

1 31. As the Plaintiff/Filmmaker Tim Chey is a devout Christian, the first film he wanted to put  
2 into production was the compelling story of Chiefess Kapiolani who found Christ and  
3 went to the top of the volcano to proclaim her new-found faith in the Lord.

4 32. Filmmaker enlisted a Native Hawaiian professor at the University of Hawaii who teaches  
5 Native Hawaiian history to help research and co-write the script. Yet a core group of  
6 people who oppose Christianity in Hawaii conspired against the Filmmaker. Filmmaker  
7 has 'smoking-gun' evidence of this and will release this during discovery and at the trial.

8 33. Filmmaker is contemplating suing this group later in 2019 – he first wants to get this case  
9 moving forward to a 2019/2020 trial.

10 34. On or about March 2017, Filmmaker decided to film 'The Islands' after being assured  
11 that the Defendant Hawaii Film Office would give a 20% rebate on the budget that the  
12 Film Office gives to all filmmakers. This was extremely important to the Filmmaker as  
13 many production companies base their entire decision for where to film based on the  
14 movie tax credits of each state. This is common industry knowledge and practice.

15 35. Also, the 20% rebate is critically important for P&A (prints and advertising) for the  
16 film's exposure and marketing funds.

17 36. Had Filmmaker known that Defendants would even attempt not to reward the 20% rebate  
18 because they didn't like the content of the movie, the Filmmaker's beliefs, or his  
19 personality per se, Filmmaker would never have even launched such a huculean effort in  
20 making the film, including casting an Academy-Award winning actress, a legendary  
21 actor, and a 98% Native Polynesian cast. Filmmaker would simply have made another  
22 film in another state. Filmmaker has made 12 movies in 22 years. He did not need the  
23 horrific grief imposed by Defendants collectively.

24 37. It is very rare for any governmental agency to act as juvenile, vindictive, and incompetent  
25 as the Hawaii Film Office. It's astonishing as Filmmaker has worked with the  
26 Connecticut, Lousiana, Virginia, Fiji, California, Michigan, and North Carolina film  
27 offices with absolutely no issues or problems. In fact, the Connecticut Film Office gave  
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1 Filmmaker his 30% tax rebate for 'Freedom' (Cuba Gooding, Jr., Sharon Leal, William  
2 Sadler) within 30 days after the paperwork was turned in.

3 **38.** But Filmmaker again reminds the Court that the state agencies of Hawaii were given a  
4 D+ for integrity and Hawaii is considered the most corrupt government of any state in the  
5 U.S. This has to improve now or the \$13 billion rail program will never be finished in our  
6 lifetime. This is not a slight on the hard-working Hawaii government employees, but to  
7 the small vocal minorities who pride themselves on laziness and ineptness as a way of  
8 life.

9 **39.** From the start of the movie until post-production, Filmmaker made the 20% rebate the  
10 number one priority as he realized how significant the rebate was. It was 20% of the  
11 entire budget and this was to put bread on the table of a faith-based filmmaker.

12 **40.** On or about April 2017, Filmmaker received a strange message from one of the  
13 employees of the Hawaii Film Office. She said she had 'concerns' about Filmmaker's  
14 movie and to call her. Filmmaker returned her call and assured her that one of his co-  
15 writers was a well-respected Native Hawaiian professor at the University of Hawaii who  
16 taught Native Hawaiian history.

17 **41.** Nevertheless, this is a complete violation of Filmmaker's 1<sup>st</sup> Amendment rights for a  
18 government agency to inquire about the content of a movie – it's almost unheard of.  
19 Imagine a California agency calling a Hollywood studio and 'inquiring' about the content  
20 of the horror movie 'The Nun'. The outrage would be worldwide. This is no different.

21 **42.** Having a Hawaii state agency calling to say there's a problem with Filmmaker's  
22 Christian movie reeks of 1<sup>st</sup> Amendment problems of free speech. This also further  
23 confirms the outrageous conduct of a state agency – simply put, no state agency in the  
24 other 49 states would do this.

25 **43.** The history of Chiefess Kapiolani's leadership brought Christianity to Hawaii. This is the  
26 issue of those who oppose it. Filmmaker gets it and totally understands the hatred as  
27 Jesus himself said "If they hated me, they will hate you." (John 15:18).

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- 1 **44. Nevertheless, Hawaii is officially part of the United States and must adhere to federal**  
2 **laws or there will be absolute chaos. The rejection of the rebate to Filmmaker is the**  
3 **beginning of the end.**
- 4 **45. Again, the film is based on a true story and anything done on the governmental level to**  
5 **oppose Filmmaker is complete and total discrimination against his religion and**  
6 **unequivocally violates the Filmmaker's First Amendment rights to free speech.**
- 7 **46. The events of the core group to oppose Filmmaker's telling of the history started the**  
8 **entire chain-of-events as Filmmaker would not back down from making the film.**
- 9 **47. Filmmaker received death threats before and during shooting. His staff had to file police**  
10 **reports to the incompetent Honolulu police who did absolutely nothing despite even**  
11 **having the name of the alleged perpetrator.**
- 12 **48. Filmmaker alleges that possible elements or people in the Hawaii Film Office have also**  
13 **been part of a smear campaign against many historical Hawaiian films, including**  
14 **Filmmaker's movie.**
- 15 **49. In addition to death threats, Filmmaker was up against many other deep hurdles,**  
16 **including union threats and Hawaiian activists who threatened to shut down the**  
17 **production on numerous instances.**
- 18 **50. In over 60 emails and phone calls, Filmmaker worked diligently to make sure every**  
19 **single receipt, GET tax id of every single crew member and cast member was obtained.**
- 20 **51. Filmmaker fulfilled each and every requirement methodically and precisely because he**  
21 **knew the Defendant Hawaii Film Office might try something sneaky. Filmmaker even**  
22 **has proof that one email mistakenly forwarded to Filmmaker showed the Defendants**  
23 **were already conspiring to 'get' Filmmaker' (See Exhibit H).**
- 24 **52. This process of getting all the requirements for the Hawaii Film Office took over 13**  
25 **weeks and Filmmaker calculates over 240 hours of man time.**
- 26 **53. Filmmaker is also a Harvard-educated attorney and bills at \$550 an hour. So by just**  
27 **multiplying 240 x \$550 would come to \$192,000. This is how important the rebate back**  
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1 from the Hawaii Film Office was to the Filmmaker and the Filmmaker asks the Court to  
2 consider the \$192,000 as additional damages aside from the punitive damages.

3 **54.** Again, the Hawaii Film Office has blatantly lied in their refusal to credit the Filmmaker  
4 with the 20% rebate. There is no reason, outside of their wanting to teach Filmmaker a  
5 lesson, to withhold the tax certificate. Filmmaker fulfilled every requirement.

6 **55.** Filmmaker tries to show the love of Jesus to everyone he can. Should Defendants even  
7 broach any issues that demean or slander Filmmaker, Filmmaker will amend this lawsuit  
8 to include defamation and/or libel and slander. Filmmaker is very confident he would win  
9 any Anti-Slapp Motion as he has been more than diligent in the entire application  
10 process.

11 **56.** The fact that Defendants did not alert Filmmaker that he was 'lacking' in further proof of  
12 receipts for more than 9 months is further proof of fraud and deceit that would later rise  
13 up again on much more serious levels.

14 **57.** On or about September 2017, Filmmaker put in several calls to Defendant Brazier to  
15 make sure every 'T' was crossed and every 'I' was dotted. Filmmaker wanted to make  
16 sure there would be no problems with getting the 20% rebate back. This was critical as he  
17 would not have filmed in Hawaii.

18 **58.** On or about September 2017, Defendant Brazier repeatedly told Filmmaker that he did  
19 not need to get the GET Tax Ids for established businesses in Hawaii as they were  
20 obviously paying tax to the Hawaii government.

21 **59.** This proved to be yet another misrepresentation.

22 **60.** On or about September 2018, almost a year later, Defendants Dawson and the Hawaii  
23 Film Office suddenly demanded that all the GET tax IDs should be listed. This is another  
24 brazen and fraudulent attempt to deny Filmmaker his just rebate. Filmmaker did, in fact,  
25 list every single GET Tax ID. Somehow, they lost the paperwork or it was maliciously  
26 destroyed.

27 **61.** In Defendant's one page sheet they sent to Filmmaker - that possibly took less than an  
28 hour to do - not 9 months - they also said the GET Tax IDs were wrong when in fact

1 they were correct. Further proof that they were desperately trying anything to not give the  
2 Filmmaker his rebate.

3 **62.** The entire one-page sheet is filled with complete wrong assumptions, numbers, and math.  
4 It's like a third-grader put it together hoping this would pass and Filmmaker would go  
5 away.

6 **63.** On or about October 2017 and three weeks before shooting, Defendant Brazier contacted  
7 the production's UPM and gave the UPM the actual budget figures. This is a text-book  
8 case of conflict of interest. The UPM knew Defendant Brazier and was never given  
9 authorization to have any confidential numbers or should receive them as this person was  
10 only the UPM. The production ended up firing the UPM for gross incompetence and was  
11 later sued by the UPM in small claims.

12 **64.** Had Filmmaker known this conflict of interest and gross breach of privacy, he would  
13 have immediately requested another contact to work with at the Hawaii Film Office,  
14 because of the industry rule/code that key positions should not be filled by ANY  
15 partnership team because again if one is fired, the other will quit or have to be fired as  
16 well.

17 **65.** Filmmaker believes and alleges that the UPM's firing has contributed to the Hawaii Film  
18 Office defrauding Filmmaker out of his rightful 20% rebate as the UPM sent a letter to  
19 the office violating the confidentiality provision of her signed contract. No other true  
20 professional in the industry would do this.

21 **66.** This unprofessional, sneaky, and juvenile high school conduct is another reason why  
22 Filmmaker will never film in Hawaii again.

23 **67.** On or about November 2017, Filmmaker, to make sure every single requirement was met,  
24 personally emailed Defendant Brazier to have any Film Office employee or government  
25 legislator come to the set (see EXHIBIT B). This requirement is buried in the forms, but  
26 this email again proves how meticulous Filmmaker was in fulfilling every single  
27 requirement including this obscure provision.

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1 68. On or about November 17, 2017, Filmmaker submitted the preliminary budget to the  
2 Film Office (see EXHIBIT C). As the Honorable Court can see, the preliminary  
3 requirements were met except for two items which were later fulfilled and never a subject  
4 of dispute.

5 69. At no time did the Hawaii Film Office ever contact the Filmmaker to alert him to  
6 anything that was not completed or out of the ordinary. In fact, they were silent for  
7 almost eight months.

8 70. On or about November 20, 2017, Filmmaker again inquired about the \$1,000 contribution  
9 that was required to be made to the University of Hawaii Foundation (see EXHIBIT D).  
10 This again shows how astute and careful Filmmaker was to the requirements set forth by  
11 the Hawaii Film Office.<sup>1</sup>

12 71. Filmmaker then donated \$1,000 to the University of Hawaii Foundation in accordance to  
13 the requirements (Filmmaker and his wife give 90% of their wealth away to charity or to  
14 their faith-based endeavors).

15 72. On or about December 2017, Filmmaker received the pre-qualification letter (See  
16 EXHIBIT E and F). At no point, did the Hawaii Film Office ever question or comment on  
17 any part of the film's production or requirements.

18 73. Multiple calls from March 2017 to February 2018 to Defendant Brazier again confirmed  
19 Filmmaker was on track to receive his rebate.

20 74. On or about December 11, 2017, the Hawaii Film Office submitted an email (See  
21 EXHIBIT G) which outline precisely the 7 remaining requirements left to get the tax  
22 certificate.  
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25 <sup>1</sup> The \$1,000 requirement is yet another misrepresentation of the Hawaii Film  
26 Office's advertising and promotions as this falls beneath the 20% rebate back  
27 then, i.e., you have to pay an additional \$1,000 to be considered for a  
28 rebate.

1 **75. Filmmaker fulfilled every single requirement and more so and will testify, under the**  
2 **penalty of perjury (that carries a jail sentence), that every single requirement was fulfilled**  
3 **with complete honesty and integrity.**

4 **76. This will be proven with ‘smoking-gun’ evidence at trial and during the Motion for**  
5 **Summary Judgment.**

6 **77. To reiterate the point again, had Filmmaker not been deceived by Defendant’s action,**  
7 **Filmmaker would not have filmed any movie in Hawaii. Period.**

8 **78. Nevertheless, it gets worse.**

9 **79. On or about December 11, 2017, Filmmaker sent an email simply re-confirming what**  
10 **constitutes a vendor by the Hawaii Film Office (see EXHIBIT H).**

11 **80. In the most juvenile and condescending response, Defendant Brazier replied to Defendant**  
12 **Dawson, “Should we use the definition of vendor in the dictionary???” She unwittingly**  
13 **copied herself in her reply to the Filmmaker.**

14 **81. As it turns out, this requirement is the exact same thing the Hawaii Film Office**  
15 **fraudulently used in their desperate attempts to sabotage, smear, and hurt Filmmaker by**  
16 **denying the rebate. They questioned what constitutes a vendor. It’s the ‘Confederacy of**  
17 **Dunces’ all over again.**

18 **82. This also proves the immature lengths the Defendants, collectively, have gone to avoid**  
19 **giving the Filmmaker his earned rebate. It’s run like a junior high school.**

20 **83. Again, Filmmaker has worked with the film departments of Connecticut, Louisiana,**  
21 **Georgia, Virginia, North Carolina, California, et al and has never encountered such an**  
22 **immature, hostile, mean-spirited, incompetent, sneaky, slow, sensitive, and**  
23 **maniupulative conduct ever. Filmmaker has been in the business for over 22 years again**  
24 **and has made 12 movies.**

25 **84. The Filmmaker again believes the Honorable U.S. District Court and jury will find**  
26 **sufficient evidence in the months, and possible years to come, of another corrupt**  
27 **Hawaiian government agency that needs Federal investigation.**  
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1 **85.** Filmmaker will depose all of the parties at the Hawaii Film Office and past UPMs and  
2 line producer of every single past film to prove there is widespread and gross  
3 incompetence at every level.

4 **86.** Filmmaker also plans to file a whistleblower lawsuit against the Hawaii Film Office and  
5 the Hollywood studios for wasting the taxpayer's money. Filmmaker will file motions to  
6 compel the paperwork to see every single budget that the Film Office has given millions  
7 of dollars to the studios and yet denied a simple rebate to the Filmmaker.

8 **87.** On or about December 2017, Filmmaker finished the final paperwork and contacted the  
9 Defendant Hawaii Film Office to begin the tax rebate final process and was told the tax  
10 certificate would be sent within 3 to 6 months. – which is also stated on the Hawaii Film  
11 Office website and on their official forms. It is now October 2018 at the time of the filing  
12 of this suit. This is tragic in every respect.

13 **88.** Again, having the tax certificate was critical in both post-production money and for the  
14 investors. The Defendants were fully aware of this.

15 **89.** Despite numerous emails, Defendants repeatedly dragged their feet and returned emails  
16 sometimes a month later.

17 **90.** They then stated Filmmaker had to do other tasks that were never in the intital  
18 conversations.

19 **91.** Filmmaker shook his head in disbelief. Filmmaker immediately sensed something was  
20 terribly wrong.

21 **92.** Again, Defendants hid the relationships of those that created friction and their motives of  
22 'teaching the filmmaker a lesson' by delaying the tax certificate to now 9 months. This a  
23 textbook case of fraud and deceit.

24 **93.** Again, Filmmaker would never have filmed a movie in Hawaii had he known of this  
25 fraud and deceit, mispresentation, civil conspiracy and other conduct the Hawaii Film  
26 Office would so brazenly do.  
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1 94. Furthermore, they even admitted themselves that the office has come under intense  
2 scrutiny by legislatures for previous blunders which will be part of the whistleblower  
3 lawsuit. This again is total fraud and deceit and a total conflict of interest.

4 95. Defendants went beyond being crafty/sneaky to fraud and deceit as the Court will see  
5 throughout this Complaint. These are the most dishonorable actions that Filmmaker has  
6 ever worked with in 22 years. Here Filmmaker shot a movie that would honor a  
7 Hawaiian Chiefess, pay good-paying jobs to Hawaiian/Polynesians, and the Hawaii Film  
8 Office back-stabbed him by deceiving him and playing little juvenile high-school games  
9 no other film office of any state would dare to do.

10 96. If in fact, the Hollywood studios have not gone through this level of fraud, then the  
11 Hawaii Film Office, complete with starry, wide eyes, have discriminated against the  
12 Filmmaker either through his religious beliefs (a violation of the First Amendment) or  
13 against him as an independent filmmaker (a violation of the Hawaii Whistleblower Act)  
14 This is a text-book case of self-dealing.

15 97. On or about August 2018, Filmmaker sent several emails to the Attorney General's office  
16 and the Governor's office to attempt to understand why the Hawaii Film Office was  
17 taking so long. The Hawaii Film Office refused to answer any emails.

18 98. Something was truly wrong here.

19 99. Finally, after legal threats, the Hawaii Film Office, in the most overt fraud of perhaps any  
20 governmental agency in the state, then sent Filmmaker an astounding list of complete lies  
21 and fabrications.

22 100. Defendants said because Filmmaker has not proved any of his receipts, he is not  
23 entitled to a 20% rebate. Filmmaker immediately knew he was duped.

24 101. The Hawaii Film Office sent a list of requirements that are filled with complete  
25 fraud and lies. It's almost jaw-dropping how each remaining requirement had already  
26 been fulfilled.

27 102. The Hawaii Film Office sent a one-page sheet that looked like it took ten minutes  
28 to do – not 9 months (see Exhibit A). The Filmmaker will show this smacks of the

1 juvenile and utterly fraudulent way the Hawaii Film Office went to avoid paying the 20%  
2 rebate.

3 103. Among the several 'items' that Hawaii Film Office said the Filmmaker had to  
4 prove was the actual shooting location of Kualoa Ranch (See Exhibit A). Filmmaker sent  
5 the bill, the cancelled checks, and the Defendants still said Filmmaker could not prove  
6 this expense. A simple phone call could verify this expenditure.

7 104. The sheet again shows scores of names of crew that Filmmaker already gave the  
8 Hawaii Film Office every single GET Tax ID that they required. Yet it ignores key  
9 actor's salaries, key equipment rentals, hotels – it's an absolute fraudulent document.<sup>2</sup>

10 105. Defendants Benita Brazier and Donne Dawson clearly acted outside the scope of  
11 their agency in wanting to pay back Filmmaker in retribution for several reasons  
12 Filmmaker will prove at trial.

13 106. The State of Hawaii should not defend Ms. Brazier or Ms. Dawson.

14 107. Filmmaker will call on several key witnesses in the cast, crew, and extras to prove  
15 the Film Office is in disarray. He expects the trial to go for at least ten weeks and asks the  
16 Honorable Court's patience as Filmmaker is bracing for extensive discovery (and  
17 possible Motions to Compel with sanctions) to take place during this litigation.

18 108. This case is very important as there must be freedom of speech in Hawaii and that  
19 federal law still supercedes state law. Hawaii is part of America and most Hawaiians  
20 want that.

21 109. Filmmaker will subpoena every crew member for depositions to testify to the  
22 events as true. And if Defendants lie during their sworn depositions, Filmmaker will file a  
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24 <sup>2</sup> The one-sheet contains over 50 crew and cast that have already been  
25 accounted for. The only way to explain the red marks is the Hawaii Film  
26 Office is doing everything possible to sabotage and not pay Filmmaker. This  
27 is indisputable evidence. Filmmaker will submit all of the evidence during  
28 discovery and will file a Motion to seal the documents.

1 criminal complaint with the D.A. for perjury and possible Federal intervention.

2 Filmmaker will begin depositions within 30 days of the service of the Complaint to get a  
3 head start on all discovery.

4 110. Filmmaker believes the damages to the movie are permanent and irrecoverable  
5 due to Defendant's actions.

6 111. It is paramount that the Honorable Court grant Filmmaker broad discretion in  
7 ascertaining what is going on as Filmmaker expects to file multiple Motions to Compel as  
8 the Defendants have proven themselves deftly good at avoiding or ignoring questions  
9 pertaining to their conduct.

10 112. Defendant's actions left the film in total chaos. The film went overbudget because  
11 of their actions and the Filmmaker had to pay the overbudget out of his own pocket.

12 113. Again, Filmmaker testifies, under penalty of perjury, that he has never sued any  
13 governmental agency in his entire life.

14 114. Filmmaker will depose Defendants Benita Brazier, Donne Dawson in November.  
15 He will then depose other filmmakers who have shot movies in Hawaii.

16 115. Filmmaker will file a Pre-Judgment Writ of Attachment on all of Defendant's  
17 personal and corporate assets and believes he has been damaged by no less than \$135  
18 million in actual and punitive damages and will spend the next 5 years outlying the case  
19 against the Defendants. They need to be punished severely for their contemptible  
20 mistreatment of a filmmaker who tried to honor the people of Hawaii and their valiant  
21 and courageous leader two hundred years ago.

22 116. Filmmaker is exiting making the next films in Hawaii and the damages are stark  
23 and real – due mostly because of Defendant's fraud and deceit. This will be calculated in  
24 the damages against Defendants.

25 117. Filmmaker also will depose crew members and others who Defendants divulged  
26 confidential information.

27 118. Filmmakers request the court to expedite discovery and set a trial date in the most  
28 expeditious manner if possible

1 119. Filmmaker also intends to file a Motion to Allow Public Cameras in the  
2 courtroom to prevent this type of behavior from happening again to other worthy  
3 filmmakers.

4 120. Should Filmmaker prevail, he will garnish the wages of Defendants who acted  
5 outside the scope of their agency employment and who the State must not represent.

6 121. Should Defendants Benita Brazer or Donne Dawson declare bankruptcy,  
7 Filmmaker will file an Adverse Proceeding with the U.S. Bankruptcy Court blocking any  
8 bankruptcy from going through.

9  
10 **COUNT 1 – FRAUD AND DECEIT**

11  
12 122. Filmmaker repeats and realleges each and every allegation contained in  
13 paragraphs 1 through 122 above as if fully set forth herein.

14 123. Filmmaker is a champion of other artists and has fought for their rights and will  
15 fight against this scam run by Defendants.

16 124. Furthermore, Defendants either negligently erred or intentionally defrauded  
17 Filmmaker.

18 125. Filmmaker is informed, and believes and, based thereon alleges, that at the time  
19 Defendants made the above promises, inducements, and representations to Filmmaker to  
20 induce Filmmaker to film in Hawaii, they were false in that defendants did not intend to  
21 fulfill the promises, inducements and representations to Filmmaker.

22 126. Filmmaker is further informed and believes and, based thereon alleges, that such  
23 promises, inducements and representations by Defendants were made with the intent to  
24 induce Filmmaker to enter into Agreement to receive a rebate back from shooting in  
25 Hawaii and to render performance thereunder.

26 127. In strict and absolute reliance upon such false promises, inducements, and  
27 representations by Defendants, Filmmaker was induced to enter into the Agreement and  
28

1 to sign off on 10 years of hard work to bring the history of Hawaii to fruition – only to be  
2 rejected by Defendants.

3 **128.** At the time Filmmaker took such actions, it was ignorant of the falsity of  
4 Defendant’s promises, inducements and representations and, in the exercise of reasonable  
5 diligence, could not have discovered its intentions: the financial straits due to the failure  
6 of their performance; and the outright deceit by Defendants. This conduct warrants  
7 punitive damages by this court and by the jury and this conduct ‘pierces the corporate  
8 veil’ so the Defendants are not able to stand behind their governmental employee  
9 contracts, but rather are personally liable for this fraud and deceit.

10 **129.** The Defendants have essentially ‘raped’ the Filmmaker of the bread off his table  
11 and destroyed three future movies that took ten years to create. They must be held  
12 personally and corporately liable. Defendant’s action falls completely outside the scope  
13 of a normal government interaction and the Hawaii AG should not defend them as this is  
14 a complete waste of taxpayer dollars. Filmmaker is confident the Court and the jury of  
15 the general public will understand it and rule in his favor.

16 **130.** Had Filmmaker known the truth, and known of Defendants’s intentions, he would  
17 never have filmed his movie in Hawaii. Filmmaker has ‘smoking gun’ evidence in the  
18 form of the rejection email and the fraudulent one-sheet filled with mistakes and deceit  
19 and of 60 phone calls and emails sent back and forth between Defendants and Filmmaker  
20 that should serve as clear and demonstrative evidence of true intent.

21 **131.** Filmmaker’s intention is very clear: He had high hopes for both films and it’s the  
22 sole reason he would film in Hawaii. The language is crystal-clear in the Hawaii  
23 Production Report and thus the court should award a Motion for Summary Judgment in  
24 favor of the Filmmaker.

25 **132.** As a direct and proximate result of the foregoing material breaches of the signed,  
26 written contract, Filmmakers have been damaged in an aggregate amount to be  
27 determined at trial, in excess of the jurisdictional minimum of this court, believed to be  
28 no less than \$135 million.

1  
2 **COUNT 2 – BREACH OF IMPLIED COVENANT OF GOOD FAITH**  
3 **AND FAIR DEALING**  
4

5 133. Filmmaker repeats and realleges each and every allegation contained in  
6 paragraphs 1-133 through above as if fully set forth herein.

7 134. Every contract imposes upon each party a duty of good faith and fair dealing in its  
8 performance and its enforcement.” However, “[t]he implied covenant ‘is designed to  
9 effectuate the intentions and reasonable expectations of parties reflected by mutual  
10 promises within the contract.’

11 135. All of the following elements must exist to state a claim for breach of the duty of  
12 good faith and fair dealing in a contract action: (1) A contractual relationship between the  
13 parties; (2) Filmmaker's performance, or excuse from performance, of the obligations  
14 under the contract; (3) An allegation that the defendant unfairly prevented Filmmaker  
15 from receiving the benefits that Filmmaker was entitled to receive under the Hawaii Film  
16 Office 20% rebate to tall filmmakers; and (4) An allegation that defendant's conduct  
17 resulted in harm to the Filmmaker.

18 136. This is a text book case of breaching an implied covenant of good faith.

19 137. On or about April 2017, Filmmaker began pre-production of one of most  
20 ambitious movies on Hawaii history ever - on the lives of Chiefess Kapiolani, King  
21 Kamehameha, Captain Cook, and Queen Liliuokalani.

22 138. The film made news around the world, including US News and World Report,  
23 NBC, ABC, and local Hawaiian media (Hawaii News Now, Star Advertiser, KHON,  
24 KITV, et al).

25 139. As the Plaintiff/Filmmaker Tim Chey is a devout Christian, the first film he  
26 wanted to put into production was the compelling story of Chiefess Kapiolani who found  
27 Christ and went to the top of the volcano to proclaim her new-found faith in the Lord.  
28

1 **140.** Filmmaker enlisted a Native Hawaiian professor at the University of Hawaii who  
2 teaches Native Hawaiian history to help research and co-write the script. Yet a core group  
3 of people who oppose Christianity in Hawaii conspired against the Filmmaker.

4 Filmmaker has 'smoking-gun' evidence of this and will release this during discovery and  
5 at the trial.

6 **141.** Filmmaker is contemplating suing this group later in 2019 – he first wants to get  
7 this case moving forward to a 2019/2020 trial.

8 **142.** On or about March 2017, Filmmaker decided to film 'The Islands' after being  
9 assured that the Defendant Hawaii Film Office would give a 20% rebate on the budget  
10 that the Film Office gives to all filmmakers. This was extremely important to the  
11 Filmmaker as many production companies base their entire decision for where to film  
12 based on the movie tax credits of each state. This is common industry knowledge and  
13 practice.

14 **143.** Also, the 20% rebate is critically important for P&A (prints and advertising) for  
15 the film's exposure and marketing funds.

16 **144.** Had Filmmaker known that Defendants would even attempt not to reward the  
17 20% rebate because they didn't like the content of the movie, the Filmmaker's beliefs, or  
18 his personality per se, Filmmaker would never have even launched such a huculean effort  
19 in making the film, including casting an Academy-Award winning actress, a legendary  
20 actor, and a 98% Native Polynesian cast. Filmmaker would simply have made another  
21 film in another state. Filmmaker has made 12 movies in 22 years. He did not need the  
22 horrific grief imposed by Defendants collectively.

23 **145.** It is very rare for any governmental agency to act as juvenile, vindictive, and  
24 incompetent as the Hawaii Film Office. It's astonishing as Filmmaker has worked with  
25 the Connecticut, Lousiana, Virginia, Fiji, California, Michigan, and North Carolina film  
26 offices with absolutely no issues or problems. In fact, the Connecticut Film Office gave  
27 Filmmaker his 30% tax rebate for 'Freedom' (Cuba Gooding, Jr., Sharon Leal, William  
28 Sadler) within 30 days after the paperwork was turned in.

1 **146.** From the start of the movie until post-production, Filmmaker made the 20%  
2 rebate the number one priority as he realized how significant the rebate was. It was 20%  
3 of the entire budget and this was to put bread on the table of a faith-based filmmaker.

4 **147.** On or about April 2017, Filmmaker received a strange message from one of the  
5 employees of the Hawaii Film Office. She said she had ‘concerns’ about Filmmaker’s  
6 movie and to call her. Filmmaker returned her call and assured her that one of his co-  
7 writers was a well-respected Native Hawaiian professor at the University of Hawaii who  
8 taught Native Hawaiian history.

9 **148.** Nevertheless, this is a complete violation of Filmmaker’s 1<sup>st</sup> Amendment rights  
10 for a government agency to inquire about the content of a movie – it’s almost unheard of.  
11 Imagine a California agency calling a Hollywood studio and ‘inquiring’ about the content  
12 of the horror movie ‘The Nun’. The outrage would be worldwide. This is no different.

13 **149.** Having a Hawaii state agency calling to say there’s a problem with Filmmaker’s  
14 Christian movie reeks of 1<sup>st</sup> Amendment problems of free speech.

15 **150.** The history of Chiefess Kapiolani’s leadership brought Christianity to Hawaii.  
16 This is the issue of those who oppose it. Filmmaker gets it and totally understands the  
17 hatred as Jesus himself said “If they hated me, they will hate you.” (John 15:18).

18 **151.** Nevertheless, Hawaii is officially part of the United States and must adhere to  
19 federal laws or there will be absolute chaos. The rejection of the rebate to Filmmaker is  
20 the beginning of the end and shows the Defendants collectively breached the implied  
21 covenant of good faith starkly and maliciously.

22 **152.** Again, the film is based on a true story and anything done on the governmental  
23 level to oppose Filmmaker is complete and total discrimination against his religion and  
24 unequivocally violates the Filmmaker’s First Amendment rights to free speech.

25 **153.** The events of the core group to oppose Filmmaker’s telling of the history started  
26 the entire chain-of-events as Filmmaker would not back down from making the film.  
27  
28

1 **154.** Filmmaker received death threats before and during shooting. His staff had to file  
2 police reports to the incompetent Honolulu police who did absolutely nothing despite  
3 even having the name of the alleged perpetrator.

4 **155.** Filmmaker alleges that possible elements or people in the Hawaii Film Office  
5 have also been part of a smear campaign against many historical Hawaiian films,  
6 including Filmmaker's movie.

7 **156.** In addition to death threats, Filmmaker was up against many other deep hurdles,  
8 including union threats and Hawaiian activists who threatened to shut down the  
9 production on numerous instances.

10 **157.** In over 60 emails and phone calls, Filmmaker worked diligently to make sure  
11 every single receipt, GET tax id of every single crew member and cast member was  
12 obtained.

13 **158.** Filmmaker fulfilled each and every requirement methodically and precisely  
14 because he knew the Defendant Hawaii Film Office might try something sneaky.

15 Filmmaker even has proof that one email mistakenly forwarded to Filmmaker showed  
16 the Defendants were already conspiring to 'get' Filmmaker' (See Exhibit H).

17 **159.** This process of getting all the requirements for the Hawaii Film Office took over  
18 13 weeks and Filmmaker calculates over 240 hours of man time.

19 **160.** Filmmaker is also a Harvard-educated attorney and bills at \$550 an hour. So by  
20 just multiplying 240 x \$550 would come to \$192,000. This is how important the rebate  
21 back from the Hawaii Film Office was to the Filmmaker and the Filmmaker asks the  
22 Court to consider the \$192,000 as additional damages aside from the punitive damages.

23 **161.** Again, the Hawaii Film Office has blatantly lied in their refusal to credit the  
24 Filmmaker with the 20% rebate. There is no reason, outside of their wanting to teach  
25 Filmmaker a lesson, to withhold the tax certificate. Filmmaker fulfilled every  
26 requirement.

27 **162.** Filmmaker tries to show the love of Jesus to everyone he can. However, should  
28 Defendants even broach any issues that demean or slander Filmmaker, Filmmaker will

1 amend this lawsuit to include defamation and/or libel and slander. Filmmaker is very  
2 confident he would win any Anti-Slapp Motion as he has been more than diligent in the  
3 entire application process.

4 **163.** The fact that Defendants did not alert Filmmaker that he was ‘lacking’ in further  
5 proof of receipts for more than 9 months is further proof of fraud and deceit that would  
6 later rise up again on much more serious levels.

7 **164.** On or about September 2017, Filmmaker put in several calls to Defendant Brazier  
8 to make sure every ‘T’ was crossed and every ‘I’ was dotted. Filmmaker wanted to make  
9 sure there would be no problems with getting the 20% rebate back. This was critical as he  
10 would not have filmed in Hawaii.

11 **165.** On or about September 2017, Defendant Brazier repeatedly told Filmmaker that  
12 he did not need to get the GET Tax Ids for established businesses in Hawaii as they were  
13 obviously paying tax to the Hawaii government.

14 **166.** This proved to be yet another misrepresentation.

15 **167.** On or about September 2018, almost a year later, Defendants Dawson and the  
16 Hawaii Film Office suddenly demanded that all the GET tax IDs should be listed. This is  
17 another brazen and fraudulent attempt to deny Filmmaker his just rebate. Filmmaker did,  
18 in fact, list every single GET Tax ID. Somehow, they lost the paperwork or it was  
19 maliciously destroyed.

20 **168.** In Defendant’s one page sheet they sent to Filmmaker - that possibly took less  
21 than an hour to do – not 9 months – they also said the GET Tax IDs were wrong when in  
22 fact they were correct. Further proof that they were desperately trying anything to not  
23 give the Filmmaker his rebate.

24 **169.** The entire one-page sheet is filled with complete wrong assumptions, numbers,  
25 and math. It’s like a third-grader put it together hoping this would pass and Filmmaker  
26 would go away.

27 **170.** On or about October 2017 and three weeks before shooting, Defendant Brazier  
28 contacted the production’s UPM and gave the UPM the actual budget figures. This is a

1 text-book case of conflict of interest. The UPM knew Defendant Brazier and was never  
2 given authorization to have any confidential numbers or should receive them as this  
3 person was only the UPM. The production ended up firing the UPM for gross  
4 incompetence and was later sued by the UPM in small claims.

5 **171.** Had Filmmaker known this conflict of interest and gross breach of privacy, he  
6 would have immediately requested another contact to work with at the Hawaii Film  
7 Office, because of the industry rule/code that key positions should not be filled by ANY  
8 partnership team because again if one is fired, the other will quit or have to be fired as  
9 well.

10 **172.** Again, this is a textbook case of breaching an implied good covenant in dealings.

11 **173.** Filmmaker believes and alleges that the UPM's firing has contributed to the  
12 Hawaii Film Office defrauding Filmmaker out of his rightful 20% rebate as the UPM sent  
13 a letter to the office violating the confidentiality provision of her signed contract. No  
14 other true professional in the industry would do this.

15 **174.** This unprofessional, sneaky, and juvenile high school conduct is another reason  
16 why Filmmaker will never film in Hawaii again.

17 **175.** On or about November 2017, Filmmaker, to make sure every single requirement  
18 was met, personally emailed Defendant Brazier to have any Film Office employee or  
19 government legislator come to the set (see EXHIBIT B). This requirement is buried in the  
20 forms, but this email again proves how meticulous Filmmaker was in fulfilling every  
21 single requirement including this obscure provision.

22 **176.** On or about November 17, 2017, Filmmaker submitted the preliminary budget to  
23 the Film Office (see EXHIBIT C). As the Honorable Court can see, the preliminary  
24 requirements were met except for two items which were later fulfilled and never a subject  
25 of dispute.

26 **177.** At no time did the Hawaii Film Office ever contact the Filmmaker to alert him to  
27 anything that was not completed or out of the ordinary. In fact, they were silent for  
28 almost eight months.

1 **178.** On or about November 20, 2017, Filmmaker again inquired about the \$1,000  
2 contribution that was required to be made to the University of Hawaii Foundation (see  
3 EXHIBIT D). This again shows how astute and careful Filmmaker was to the  
4 requirements set forth by the Hawaii Film Office.<sup>3</sup>

5 **179.** Filmmaker then donated \$1,000 to the University of Hawaii Foundation in  
6 accordance to the requirements (Filmmaker and his wife give 90% of their wealth away  
7 to charity or to their faith-based endeavors).

8 **180.** On or about December 2017, Filmmaker received the pre-qualification letter (See  
9 EXHIBIT E and F). At no point, did the Hawaii Film Office ever question or comment on  
10 any part of the film's production or requirements.

11 **181.** Multiple calls from March 2017 to February 2018 to Defendant Brazier again  
12 confirmed Filmmaker was on track to receive his rebate.

13 **182.** On or about December 11, 2017, the Hawaii Film Office submitted an email (See  
14 EXHIBIT G) which outline precisely the 7 remaining requirements left to get the tax  
15 certificate.

16 **183.** Filmmaker fulfilled every single requirement and more so and will testify, under  
17 the penalty of perjury (that carries a jail sentence), that every single requirement was  
18 fulfilled with complete honesty and integrity.

19 **184.** This will be proven with 'smoking-gun' evidence at trial and during the Motion  
20 for Summary Judgment.

21 **185.** To reiterate the point again, had Filmmaker not been deceived by Defendant's  
22 action, Filmmaker would not have filmed any movie in Hawaii. Period.

23 **186.** Nevertheless, it still gets worse.

24  
25  
26 <sup>3</sup> The \$1,000 requirement is yet another misrepresentation of the Hawaii Film  
27 Office's advertising and promotions as this falls beneath the 20% rebate back  
28 then, i.e., you have to pay an additional \$1,000 to be considered for a  
rebate.

1 **187.** On or about December 11, 2017, Filmmaker sent an email simply re-confirming  
2 what constitutes a vendor by the Hawaii Film Office (see EXHIBIT H).

3 **188.** In the most juvenile, condescending, and vicious response, Defendant Brazier  
4 replied to Defendant Dawson, "Should we use the definition of vendor in the  
5 dictionary???" She unwittingly copied herself in her reply to the Filmmaker.

6 **189.** As it turns out, this requirement is the exact same thing the Hawaii Film Office  
7 fraudulently used in their desperate attempts to sabotage, smear, and hurt Filmmaker by  
8 denying the rebate. They questioned what constitutes a vendor. It's the 'Confederacy of  
9 Dunces' all over again.

10 **190.** This also proves the immature lengths the Defendants, collectively, have gone to  
11 avoid giving the Filmmaker his earned rebate. It's run like a junior high school.

12 **191.** Again, Filmmaker has worked with the film departments of Connecticut,  
13 Louisiana, Georgia, Virginia, North Carolina, California, et al and has never encountered  
14 such an immature, hostile, mean-spirited, incompetent, sneaky, slow, sensitive, and  
15 maniupulative conduct ever. Filmmaker has been in the business for over 22 years again  
16 and has made 12 movies.

17 **192.** The Filmmaker again believes the Honorable U.S. District Court and jury will  
18 find sufficient evidence in the months, and possible years to come, of another corrupt  
19 Hawaiian government agency that needs Federal investigation.

20 **193.** Filmmaker will depose all of the parties at the Hawaii Film Office and past UPMs  
21 and line producer of every single past film to prove there is widespread and gross  
22 incompetence at every level.

23 **194.** Filmmaker also plans to file a whistleblower lawsuit against the Hawaii Film  
24 Office and the Hollywood studios for wasting the taxpayer's money. Filmmaker will file  
25 motions to compel the paperwork to see every single budget that the Film Office has  
26 given millions of dollars to the studios and yet denied a simple rebate to the Filmmaker.

27 **195.** On or about December 2017, Filmmaker finished the final paperwork and  
28 contacted the Defendant Hawaii Film Office to begin the tax rebate final process and was

1 told the tax certificate would be sent within 3 to 6 months. – which is also stated on the  
2 Hawaii Film Office website and on their official forms. It is now October 2018 at the  
3 time of the filing of this suit. This is tragic in every respect.

4 **196.** Again, having the tax certificate was critical in both post-production money and  
5 for the investors. The Defendants were fully aware of this.

6 **197.** Despite numerous emails, Defendants repeatedly dragged their feet and returned  
7 emails sometimes a month later.

8 **198.** They then stated Filmmaker had to do other tasks that were never in the intital  
9 conversations.

10 **199.** Filmmaker shook his head in disbelief. Filmmaker immediately sensed something  
11 was terribly wrong.

12 **200.** Again, Defendants hid the relationships of those that created friction and their  
13 motives of ‘teaching the filmmaker a lesson’ by delaying the tax certificate to now 9  
14 months. This a textbook fraud and deceit.

15 **201.** Again, Filmmaker would never have filmed a movie in Hawaii had he known of  
16 this fraud and deceit, misrepresentation, civil conspiracy and other conduct the Hawaii Film  
17 Office would so brazenly do.

18 **202.** Furthermore, they even admitted themselves that the office has come under  
19 intense scrutiny by legislatures for previous blunders which will be part of the  
20 whistleblower lawsuit. This again is total fraud and deceit and a total conflict of interest.

21 **203.** Defendants went beyond being crafty/sneaky to fraud and deceit as the Court will  
22 see throughout this Complaint. These are the most dishonorable actions that Filmmaker  
23 has ever worked with in 22 years. Here Filmmaker shot a movie that would honor a  
24 Hawaiian Chiefess, pay good-paying jobs to Hawaiian/Polynesians, and the Hawaii Film  
25 Office back-stabbed him by deceiving him and playing little juvenile high-school games  
26 no other film office of any state would dare to do.

27 **204.** If in fact, the Hollywood studios have not gone through this level of fraud, then  
28 the Hawaii Film Office, complete with starry, wide eyes, have discriminated against the

1 Filmmaker either through his religious beliefs (a violation of the First Amendment) or  
2 against him as an independent filmmaker (a violation of the Hawaii Whistleblower Act)  
3 This is a text-book case of self-dealing.

4 205. On or about August 2018, Filmmaker sent several emails to the Attorney  
5 General's office and the Governor's office to attempt to understand why the Hawaii Film  
6 Office was taking so long. The Hawaii Film Office refused to answer any emails.

7 206. Something was truly wrong here.

8 207. Finally, after legal threats, the Hawaii Film Office, in the most overt fraud of  
9 perhaps any governmental agency in the state, then sent Filmmaker an astounding list of  
10 complete lies and fabrications.

11 208. Defendants said because Filmmaker has not proved any of his receipts, he is not  
12 entitled to a 20% rebate. Filmmaker immediately knew he was duped.

13 209. The Hawaii Film Office sent a list of requirements that are filled with complete  
14 fraud and lies. It's almost jaw-dropping how each remaining requirement had already  
15 been fulfilled.

16 210. The Hawaii Film Office sent a one-page sheet that looked like it took ten minutes  
17 to do – not 9 months (see Exhibit A). The Filmmaker will show this smacks of the  
18 juvenile and utterly fraudulent way the Hawaii Film Office went to avoid paying the 20%  
19 rebate.

20 211. Among the several 'items' that Hawaii Film Office said the Filmmaker had to  
21 prove was the actual shooting location of Kualoa Ranch (See Exhibit A). Filmmaker sent  
22 the bill, the cancelled checks, and the Defendants still said Filmmaker could not prove  
23 this expense. A simple phone call could verify this expenditure.

1       212.       The sheet again shows scores of names of crew that Filmmaker already gave the  
2       Hawaii Film Office every single GET Tax ID that they required. Yet it ignores key  
3       actor's salaries, key equipment rentals, hotels – it's an absolute fraudulent document.<sup>4</sup>

4       213.       Defendants Benita Brazier and Donne Dawson clearly acted outside the scope of  
5       their agency in wanting to pay back Filmmaker in retribution for several reasons  
6       Filmmaker will prove at trial.

7       214.       The State of Hawaii should not defend Ms. Brazier or Ms. Dawson.

8       215.       Filmmaker will call on several key witnesses in the cast, crew, and extras to prove  
9       the Film Office is in disarray. He expects the trial to go for at least ten weeks and asks the  
10      Honorable Court's patience as Filmmaker is bracing for extensive discovery (and  
11      possible Motions to Compel with sanctions) to take place during this litigation.

12      216.       This case is very important as there must be freedom of speech in Hawaii and that  
13      federal law still supercedes state law. Hawaii is part of America and most Hawaiians  
14      want that.

15      217.       Filmmaker will subpoena every crew member for depositions to testify to the  
16      events as true. And if Defendants lie during their sworn depositions, Filmmaker will file a  
17      criminal complaint with the D.A. for perjury and possible Federal intervention.  
18      Filmmaker will begin depositions within 30 days of the service of the Complaint to get a  
19      head start on all discovery.

20      218.       Filmmaker believes the damages to the movie are permanent and irrecoverable  
21      due to Defendant's actions.

---

22  
23  
24      <sup>4</sup> The one-sheet contains over 50 crew and cast that have already been  
25      accounted for. The only way to explain the red marks is the Hawaii Film  
26      Office is doing everything possible to sabotage and not pay Filmmaker. This  
27      is indisputable evidence. Filmmaker will submit all of the evidence during  
28      discovery and will file a Motion to seal the documents.

1 219. It is paramount that the Honorable Court grant Filmmaker broad discretion in  
2 ascertaining what is going on as Filmmaker expects to file multiple Motions to Compel as  
3 the Defendants have proven themselves deftly good at avoiding or ignoring questions  
4 pertaining to their conduct.

5 220. Defendant's actions left the film in total chaos. The film went overbudget because  
6 of their actions and the Filmmaker had to pay the overbudget out of his own pocket.

7 221. Again, Filmmaker testifies, under penalty of perjury, that he has never sued any  
8 governmental agency in his entire life.

9 222. Filmmaker will depose Defendants Benita Brazier, Donne Dawson in November.  
10 He will then depose other filmmakers who have shot movies in Hawaii.

11 223. Filmmaker will file a Pre-Judgment Writ of Attachment on all of Defendant's  
12 personal and corporate assets and believes he has been damaged by no less than \$135  
13 million in actual and punitive damages and will spend the next 5 years outlying the case  
14 against the Defendants. They need to be punished severely for their contemptible  
15 mistreatment of a filmmaker who tried to honor the people of Hawaii and their valiant  
16 and courageous leader two hundred years ago.

17 224. Filmmaker is exiting making the next films in Hawaii and the damages are stark  
18 and real – due mostly because of Defendant's fraud and deceit. This will be calculated in  
19 the damages against Defendants.

20 225. Filmmaker also will depose crew members and others who Defendants divulged  
21 confidential information.

22 226. Filmmakers request the court to expedite discovery and set a trial date in the most  
23 expeditious manner if possible.

24  
25 **COUNT 3 – VIOLATION OF CIVIL RIGHTS**

26 **(42 U.S.C. § 1983: FREE SPEECH AND DUE PROCESS)**  
27  
28

1 227. Plaintiff incorporates by reference all preceding paragraphs as if fully restated  
2 here.

3 228. The Defendant's repeated rejection of Filmmaker's rebate is an unconstitutional  
4 abridgment on its face, and as applied or threatened to be applied, of the plaintiff's  
5 affirmative rights to freedom of speech under the United States Constitution, First and  
6 Fourteenth Amendments.  
7

8 229. The Hawaii Film Office requirements that it needs a copy of the screenplay and  
9 the film, on its face and as applied or threatened to be applied, is an unconstitutionally  
10 overbroad restriction on expressive activity. Nevertheless, Plaintiff-Filmmaker sent the  
11 Office a copy of his script.  
12

13 230. The Hawaii Film Office requirements and rejection of Filmmaker's rebate, on its  
14 face and as applied or threatened to be applied, is an unconstitutionally vague restriction  
15 on expressive activity.  
16

17 231. The Hawaii Film Office requirements, on its face and as applied or threatened to  
18 be applied, is a content-based and viewpoint-based restriction on speech.

19 232. The Hawaii Film Office requirements and rejection of Filmmaker's rebate, on its  
20 face and as applied or threatened to be applied, does not serve a significant governmental  
21 interest.  
22

23 233. The Hawaii Film Office requirements and rejection of Filmmaker's rebate, on its  
24 face and as applied or threatened to be applied, does not leave open ample alternative  
25 channels of communication.

26 234. The Hawaii Film Office requirements and rejection of Filmmaker's rebate, on its  
27 face and as applied or threatened to be applied, is neither narrowly tailored nor the least  
28

1 restrictive means to accomplish any permissible governmental purpose sought to be  
2 served by the legislation. This is apparent in the way the Hawaii Film Office so brazenly,  
3 unfairly, and fraudulently rejected Filmmaker's complete package – complete with all  
4 receipts and cancelled checks to state workers, vendors, hotels, caterers, extras, etc – all  
5 because the Defendants didn't like Filmmaker and/or his message. This is unequivocal.  
6

7 235. The Hawaii Film Office rebate program fails to adequately advise, notify, or  
8 inform persons threatened with possible rejection of the rebate for violation of their  
9 requirements.

10 236. The Hawaii Film Office rebate requirements are ripe for abuse, and an irrational  
11 and unreasonable statute, imposing unjustifiable restrictions on the exercise of protected  
12 constitutional rights.  
13

14 237. The Hawaii Film Office requirements, on its face and as applied or threatened to  
15 be applied, violates the Equal Protection Clause of the Fourteenth Amendment to the  
16 United States Constitution and similar guarantees in the Hawaii State Constitution by  
17 denying plaintiff free speech rights allowed to others in similar situations and other  
18 protections of state and federal law, namely Hollywood studios who have not run into  
19 any of the problems independent Christian filmmaker Tim Chey ran into with this Hawaii  
20 State agency.  
21

22 238. The First Amendment is to guarantee Filmmaker can make a film that will tell the  
23 story of a Hawaiian chiefess who found Christ without a state agency attempting to  
24 sabotage the filmmaker because of his faith. It's that simple.  
25

26 **(42 U.S.C. SECTION 1983: EQUAL PROTECTION)**  
27  
28

1 239. The Hawaii Film Office regulations, on its face and as applied or threatened to be  
2 applied, violates the Equal Protection Clause of the Fourteenth Amendment. Specifically  
3 but not exclusively, the Office's regulations (admitted to by Defendant Dawson in an  
4 email to Filmmaker) creates varying classes of independent filmmakers and Hollywood  
5 studios and Defendant Dawson can 'select' who gets priority to get the rebate returned as  
6 she herself admitted in an email to Filmmaker.

7  
8 240. These classifications have a direct bearing on the fundamental interest in free  
9 speech.

10 241. The City has no compelling interest justifying the creation of these classes –  
11 independent or Hollywood or even independent faith-based films - and cannot show that  
12 these classifications are necessary to serve any legitimate governmental interest.

13  
14 242. The Hawaii Film Office's regulation singles out which film gets treatment first.  
15 So even if, arguendo, Defendant Dawson showed 'favoritism' to Filmmaker because he's  
16 a sold-out Christian and gave Filmmaker his rebate check in 30 days, this is still a stark  
17 and complete violation of the Equal Protection Clause.

18  
19 243. Filmmaker is not asking for favoritism. He's asking to be treated equally with the  
20 Hollywood film studios cranking out violent and sex-crazed movies by the bucket-full.  
21 Anything less is a complete abridgement of the Equal Protection Clause.

22 244. These classifications have a direct bearing on the fundamental interest in free  
23 speech. The City has no compelling interest justifying who gets priority and cannot show  
24 that these classifications are necessary to serve any legitimate governmental interest.

25  
26 245. As a direct and proximate result of the foregoing material breaches of wrongful  
27 conversion, Filmmaker has been damaged in an aggregate amount to be determined at  
28

1 trial, in excess of the jurisdictional minimum of this court, believed to be no less than  
2 \$135 million.

3 **COUNT 4 - INTERFERENCE WITH PROSPECTIVE BUSINESS**  
4 **ADVANTAGE**  
5

6 246. Plaintiff incorporates by reference all preceding paragraphs as if fully restated  
7 here.

8  
9 247. “The five elements for intentional interference with prospective economic  
10 advantage are: (1) [a]n economic relationship between the Filmmaker and some third  
11 party, with the probability of future economic benefit to the Filmmaker; (2) the  
12 defendant’s knowledge of the relationship; (3) intentional acts on the part of the  
13 defendant designed to disrupt the relationship; (4) actual disruption of the relationship;  
14 and (5) economic harm to the Filmmaker proximately caused by the acts of the  
15 defendant.”

16 248. On or about April 2017, Filmmaker began pre-production of one of most  
17 ambitious movies on Hawaii history ever - on the lives of Chiefess Kapiolani, King  
18 Kamehameha, Captain Cook, and Queen Liliuokalani.

19 249. The film made news around the world, including US News and World Report,  
20 NBC, ABC, and local Hawaiian media (Hawaii News Now, Star Advertiser, KHON,  
21 KITV, et al).

22 250. As the Plaintiff/Filmmaker Tim Chey is a devout Christian, the first film he  
23 wanted to put into production was the compelling story of Chiefess Kapiolani who found  
24 Christ and went to the top of the volcano to proclaim her new-found faith in the Lord.

25 251. Filmmaker enlisted a Native Hawaiian professor at the University of Hawaii who  
26 teaches Native Hawaiian history to help research and co-write the script. Yet a core group  
27 of people who oppose Christianity in Hawaii conspired against the Filmmaker.  
28

1 Filmmaker has ‘smoking-gun’ evidence of this and will release this during discovery and  
2 at the trial.

3 **252.** Filmmaker is contemplating suing this group later in 2019 – he first wants to get  
4 this case moving forward to a 2019/2020 trial.

5 **253.** On or about March 2017, Filmmaker decided to film ‘The Islands’ after being  
6 assured that the Defendant Hawaii Film Office would give a 20% rebate on the budget  
7 that the Film Office gives to all filmmakers. This was extremely important to the  
8 Filmmaker as many production companies base their entire decision for where to film  
9 based on the movie tax credits of each state. This is common industry knowledge and  
10 practice.

11 **254.** Also, the 20% rebate is critically important for P&A (prints and advertising) for  
12 the film’s exposure and marketing funds.

13 **255.** Had Filmmaker known that Defendants would even attempt not to reward the  
14 20% rebate because they didn’t like the content of the movie, the Filmmaker’s beliefs, or  
15 his personality per se, Filmmaker would never have even launched such a huculean effort  
16 in making the film, including casting an Academy-Award winning actress, a legendary  
17 actor, and a 98% Native Polynesian cast. Filmmaker would simply have made another  
18 film in another state. Filmmaker has made 12 movies in 22 years. He did not need the  
19 horrific grief imposed by Defendants collectively.

20 **256.** It is very rare for any governmental agency to act as juvenile, vindictive, and  
21 incompetent as the Hawaii Film Office. It’s astonishing as Filmmaker has worked with  
22 the Connecticut, Lousiana, Virginia, Fiji, California, Michigan, and North Carolina film  
23 offices with absolutely no issues or problems. In fact, the Connecticut Film Office gave  
24 Filmmaker his 30% tax rebate for ‘Freedom’ (Cuba Gooding, Jr., Sharon Leal, William  
25 Sadler) within 30 days after the paperwork was turned in.

26 **257.** From the start of the movie until post-production, Filmmaker made the 20%  
27 rebate the number one priority as he realized how significant the rebate was. It was 20%  
28 of the entire budget and this was to put bread on the table of a faith-based filmmaker.

1       **258.**       On or about April 2017, Filmmaker received a strange message from one of the  
2       employees of the Hawaii Film Office. She said she had ‘concerns’ about Filmmaker’s  
3       movie and to call her. Filmmaker returned her call and assured her that one of his co-  
4       writers was a well-respected Native Hawaiian professor at the University of Hawaii who  
5       taught Native Hawaiian history.

6       **259.**       Nevertheless, this is a complete violation of Filmmaker’s 1<sup>st</sup> Amendment rights  
7       for a government agency to inquire about the content of a movie – it’s almost unheard of.  
8       Imagine a California agency calling a Hollywood studio and ‘inquiring’ about the content  
9       of the horror movie ‘The Nun’. The outrage would be worldwide. This is no different.

10       **260.**       Having a Hawaii state agency calling to say there’s a problem with Filmmaker’s  
11       Christian movie reeks of 1<sup>st</sup> Amendment problems of free speech.

12       **261.**       The history of Chiefess Kapiolani’s leadership brought Christianity to Hawaii.  
13       This is the issue of those who oppose it. Filmmaker gets it and totally understands the  
14       hatred as Jesus himself said “If they hated me, they will hate you.” (John 15:18).

15       **262.**       Nevertheless, Hawaii is officially part of the United States and must adhere to  
16       federal laws or there will be absolute chaos. The rejection of the rebate to Filmmaker is  
17       the beginning of the end and shows the Defendants collectively breached the implied  
18       covenant of good faith starkly and maliciously.

19       **263.**       Again, the film is based on a true story and anything done on the governmental  
20       level to oppose Filmmaker is complete and total discrimination against his religion and  
21       unequivocally violates the Filmmaker’s First Amendment rights to free speech.

22       **264.**       The events of the core group to oppose Filmmaker’s telling of the history started  
23       the entire chain-of-events as Filmmaker would not back down from making the film.

24       **265.**       Filmmaker received death threats before and during shooting. His staff had to file  
25       police reports to the incompetent Honolulu police who did absolutely nothing despite  
26       even having the name of the alleged perpetrator.

1 **266.** Filmmaker alleges that possible elements or people in the Hawaii Film Office  
2 have also been part of a smear campaign against many historical Hawaiian films,  
3 including Filmmaker's movie.

4 **267.** In addition to death threats, Filmmaker was up against many other deep hurdles,  
5 including union threats and Hawaiian activists who threatened to shut down the  
6 production on numerous instances.

7 **268.** In over 60 emails and phone calls, Filmmaker worked diligently to make sure  
8 every single receipt, GET tax id of every single crew member and cast member was  
9 obtained.

10 **269.** Filmmaker fulfilled each and every requirement methodically and precisely  
11 because he knew the Defendant Hawaii Film Office might try something sneaky.

12 Filmmaker even has proof that one email mistakenly forwarded to Filmmaker showed  
13 the Defendants were already conspiring to 'get' Filmmaker' (See Exhibit H).

14 **270.** This process of getting all the requirements for the Hawaii Film Office took over  
15 13 weeks and Filmmaker calculates over 240 hours of man time.

16 **271.** Filmmaker is also a Harvard-educated attorney and bills at \$550 an hour. So by  
17 just multiplying 240 x \$550 would come to \$192,000. This is how important the rebate  
18 back from the Hawaii Film Office was to the Filmmaker and the Filmmaker asks the  
19 Court to consider the \$192,000 as additional damages aside from the punitive damages.

20 **272.** Again, the Hawaii Film Office has blatantly lied in their refusal to credit the  
21 Filmmaker with the 20% rebate. There is no reason, outside of their wanting to teach  
22 Filmmaker a lesson, to withhold the tax certificate. Filmmaker fulfilled every  
23 requirement.

24 **273.** Filmmaker tries to show the love of Jesus to everyone he can. However, should  
25 Defendants even broach any issues that demean or slander Filmmaker, Filmmaker will  
26 amend this lawsuit to include defamation and/or libel and slander. Filmmaker is very  
27 confident he would win any Anti-Slapp Motion as he has been more than diligent in the  
28 entire application process.

1       **274.**       The fact that Defendants did not alert Filmmaker that he was ‘lacking’ in further  
2                   proof of receipts for more than 9 months is further proof of fraud and deceit that would  
3                   later rise up again on much more serious levels.

4       **275.**       On or about September 2017, Filmmaker put in several calls to Defendant Brazier  
5                   to make sure every ‘T’ was crossed and every ‘I’ was dotted. Filmmaker wanted to make  
6                   sure there would be no problems with getting the 20% rebate back. This was critical as he  
7                   would not have filmed in Hawaii.

8       **276.**       On or about September 2017, Defendant Brazier repeatedly told Filmmaker that  
9                   he did not need to get the GET Tax Ids for established businesses in Hawaii as they were  
10                  obviously paying tax to the Hawaii government.

11       **277.**       This proved to be yet another misrepresentation.

12       **278.**       On or about September 2018, almost a year later, Defendants Dawson and the  
13                  Hawaii Film Office suddenly demanded that all the GET tax IDs should be listed. This is  
14                  another brazen and fraudulent attempt to deny Filmmaker his just rebate. Filmmaker did,  
15                  in fact, list every single GET Tax ID. Somehow, they lost the paperwork or it was  
16                  maliciously destroyed.

17       **279.**       In Defendant’s one page sheet they sent to Filmmaker - that possibly took less  
18                  than an hour to do – not 9 months – they also said the GET Tax IDs were wrong when in  
19                  fact they were correct. Further proof that they were desperately trying anything to not  
20                  give the Filmmaker his rebate.

21       **280.**       The entire one-page sheet is filled with complete wrong assumptions, numbers,  
22                  and math. It’s like a third-grader put it together hoping this would pass and Filmmaker  
23                  would go away.

24       **281.**       On or about October 2017 and three weeks before shooting, Defendant Brazier  
25                  contacted the production’s UPM and gave the UPM the actual budget figures. This is a  
26                  text-book case of conflict of interest. The UPM knew Defendant Brazier and was never  
27                  given authorization to have any confidential numbers or should receive them as this  
28

1 person was only the UPM. The production ended up firing the UPM for gross  
2 incompetence and was later sued by the UPM in small claims.

3 **282.** Had Filmmaker known this conflict of interest and gross breach of privacy, he  
4 would have immediately requested another contact to work with at the Hawaii Film  
5 Office, because of the industry rule/code that key positions should not be filled by ANY  
6 partnership team because again if one is fired, the other will quit or have to be fired as  
7 well.

8 **283.** Again, this is a textbook case of breaching an implied good covenant in dealings.

9 **284.** Filmmaker believes and alleges that the UPM's firing has contributed to the  
10 Hawaii Film Office defrauding Filmmaker out of his rightful 20% rebate as the UPM sent  
11 a letter to the office violating the confidentiality provision of her signed contract. No  
12 other true professional in the industry would do this.

13 **285.** This unprofessional, sneaky, and juvenile high school conduct is another reason  
14 why Filmmaker will never film in Hawaii again.

15 **286.** On or about November 2017, Filmmaker, to make sure every single requirement  
16 was met, personally emailed Defendant Brazier to have any Film Office employee or  
17 government legislator come to the set (see EXHIBIT B). This requirement is buried in the  
18 forms, but this email again proves how meticulous Filmmaker was in fulfilling every  
19 single requirement including this obscure provision.

20 **287.** On or about November 17, 2017, Filmmaker submitted the preliminary budget to  
21 the Film Office (see EXHIBIT C). As the Honorable Court can see, the preliminary  
22 requirements were met except for two items which were later fulfilled and never a subject  
23 of dispute.

24 **288.** At no time did the Hawaii Film Office ever contact the Filmmaker to alert him to  
25 anything that was not completed or out of the ordinary. In fact, they were silent for  
26 almost eight months.

27 **289.** On or about November 20, 2017, Filmmaker again inquired about the \$1,000  
28 contribution that was required to be made to the University of Hawaii Foundation (see

1 EXHIBIT D). This again shows how astute and careful Filmmaker was to the  
2 requirements set forth by the Hawaii Film Office.<sup>5</sup>

3 **290.** Filmmaker then donated \$1,000 to the University of Hawaii Foundation in  
4 accordance to the requirements (Filmmaker and his wife give 90% of their wealth away  
5 to charity or to their faith-based endeavors).

6 **291.** On or about December 2017, Filmmaker received the pre-qualification letter (See  
7 EXHIBIT E and F). At no point, did the Hawaii Film Office ever question or comment on  
8 any part of the film's production or requirements.

9 **292.** Multiple calls from March 2017 to February 2018 to Defendant Brazier again  
10 confirmed Filmmaker was on track to receive his rebate.

11 **293.** On or about December 11, 2017, the Hawaii Film Office submitted an email (See  
12 EXHIBIT G) which outline precisely the 7 remaining requirements left to get the tax  
13 certificate.

14 **294.** Filmmaker fulfilled every single requirement and more so and will testify, under  
15 the penalty of perjury (that carries a jail sentence), that every single requirement was  
16 fulfilled with complete honesty and integrity.

17 **295.** This will be proven with 'smoking-gun' evidence at trial and during the Motion  
18 for Summary Judgment.

19 **296.** To reiterate the point again, had Filmmaker not been deceived by Defendant's  
20 action, Filmmaker would not have filmed any movie in Hawaii. Period.

21 **297.** Nevertheless, it still gets worse.

22 **298.** On or about December 11, 2017, Filmmaker sent an email simply re-confirming  
23 what constitutes a vendor by the Hawaii Film Office (see EXHIBIT H).

24  
25  
26 <sup>5</sup> The \$1,000 requirement is yet another misrepresentation of the Hawaii Film  
27 Office's advertising and promotions as this falls beneath the 20% rebate back  
28 then, i.e., you have to pay an additional \$1,000 to be considered for a  
rebate.

1       **299.**       In the most juvenile, condescending, and vicious response, Defendant Brazier  
2       replied to Defendant Dawson, “Should we use the definition of vendor in the  
3       dictionary???” She unwittingly copied herself in her reply to the Filmmaker.

4       **300.**       As it turns out, this requirement is the exact same thing the Hawaii Film Office  
5       fraudulently used in their desperate attempts to sabotage, smear, and hurt Filmmaker by  
6       denying the rebate. They questioned what constitutes a vendor. It’s the ‘Confederacy of  
7       Dunces’ all over again.

8       **301.**       This also proves the immature lengths the Defendants, collectively, have gone to  
9       avoid giving the Filmmaker his earned rebate. It’s run like a junior high school.

10       **302.**       Again, Filmmaker has worked with the film departments of Connecticut,  
11       Louisiana, Georgia, Virginia, North Carolina, California, et al and has never encountered  
12       such an immature, hostile, mean-spirited, incompetent, sneaky, slow, sensitive, and  
13       manipulative conduct ever. Filmmaker has been in the business for over 22 years again  
14       and has made 12 movies.

15       **303.**       The Filmmaker again believes the Honorable U.S. District Court and jury will  
16       find sufficient evidence in the months, and possible years to come, of another corrupt  
17       Hawaiian government agency that needs Federal investigation.

18       **304.**       Filmmaker will depose all of the parties at the Hawaii Film Office and past UPMs  
19       and line producer of every single past film to prove there is widespread and gross  
20       incompetence at every level.

21       **305.**       Filmmaker also plans to file a whistleblower lawsuit against the Hawaii Film  
22       Office and the Hollywood studios for wasting the taxpayer’s money. Filmmaker will file  
23       motions to compel the paperwork to see every single budget that the Film Office has  
24       given millions of dollars to the studios and yet denied a simple rebate to the Filmmaker.

25       **306.**       On or about December 2017, Filmmaker finished the final paperwork and  
26       contacted the Defendant Hawaii Film Office to begin the tax rebate final process and was  
27       told the tax certificate would be sent within 3 to 6 months. – which is also stated on the  
28

1 Hawaii Film Office website and on their official forms. It is now October 2018 at the  
2 time of the filing of this suit. This is tragic in every respect.

3 **307.** Again, having the tax certificate was critical in both post-production money and  
4 for the investors. The Defendants were fully aware of this.

5 **308.** Despite numerous emails, Defendants repeatedly dragged their feet and returned  
6 emails sometimes a month later.

7 **309.** They then stated Filmmaker had to do other tasks that were never in the intital  
8 conversations.

9 **310.** Filmmaker shook his head in disbelief. Filmmaker immediately sensed something  
10 was terribly wrong.

11 **311.** Again, Defendants hid the relationships of those that created friction and their  
12 motives of 'teaching the filmmaker a lesson' by delaying the tax certificate to now 9  
13 months. This a textbook fraud and deceit.

14 **312.** Again, Filmmaker would never have filmed a movie in Hawaii had he known of  
15 this fraud and deceit, misrepresentation, civil conspiracy and other conduct the Hawaii Film  
16 Office would so brazenly do.

17 **313.** Furthermore, they even admitted themselves that the office has come under  
18 intense scrutiny by legislatures for previous blunders which will be part of the  
19 whistleblower lawsuit. This again is total fraud and deceit and a total conflict of interest.

20 **314.** Defendants went beyond being crafty/sneaky to fraud and deceit as the Court will  
21 see throughout this Complaint. These are the most dishonorable actions that Filmmaker  
22 has ever worked with in 22 years. Here Filmmaker shot a movie that would honor a  
23 Hawaiian Chiefess, pay good-paying jobs to Hawaiian/Polynesians, and the Hawaii Film  
24 Office back-stabbed him by deceiving him and playing little juvenile high-school games  
25 no other film office of any state would dare to do.

26 **315.** If in fact, the Hollywood studios have not gone through this level of fraud, then  
27 the Hawaii Film Office, complete with starry, wide eyes, have discriminated against the  
28 Filmmaker either through his religious beliefs (a violation of the First Amendment) or

1 against him as an independent filmmaker (a violation of the Hawaii Whistleblower Act)

2 This is a text-book case of self-dealing.

3 316. On or about August 2018, Filmmaker sent several emails to the Attorney  
4 General's office and the Governor's office to attempt to understand why the Hawaii Film  
5 Office was taking so long. The Hawaii Film Office refused to answer any emails.

6 317. Something was truly wrong here.

7 318. Finally, after legal threats, the Hawaii Film Office, in the most overt fraud of  
8 perhaps any governmental agency in the state, then sent Filmmaker an astounding list of  
9 complete lies and fabrications.

10 319. Defendants said because Filmmaker has not proved any of his receipts, he is not  
11 entitled to a 20% rebate. Filmmaker immediately knew he was duped.

12 320. The Hawaii Film Office sent a list of requirements that are filled with complete  
13 fraud and lies. It's almost jaw-dropping how each remaining requirement had already  
14 been fulfilled.

15 321. The Hawaii Film Office sent a one-page sheet that looked like it took ten minutes  
16 to do – not 9 months (see Exhibit A). The Filmmaker will show this smacks of the  
17 juvenile and utterly fraudulent way the Hawaii Film Office went to avoid paying the 20%  
18 rebate.

19 322. Among the several 'items' that Hawaii Film Office said the Filmmaker had to  
20 prove was the actual shooting location of Kualoa Ranch (See Exhibit A). Filmmaker sent  
21 the bill, the cancelled checks, and the Defendants still said Filmmaker could not prove  
22 this expense. A simple phone call could verify this expenditure.

23 323. The sheet again shows scores of names of crew that Filmmaker already gave the  
24 Hawaii Film Office every single GET Tax ID that they required. Yet it ignores key  
25 actor's salaries, key equipment rentals, hotels – it's an absolute fraudulent document.<sup>6</sup>

26  
27 <sup>6</sup> The one-sheet contains over 50 crew and cast that have already been  
28 accounted for. The only way to explain the red marks is the Hawaii Film

1 324. Defendants Benita Brazier and Donne Dawson clearly acted outside the scope of  
2 their agency in wanting to pay back Filmmaker in retribution for several reasons  
3 Filmmaker will prove at trial.

4 325. The State of Hawaii should not defend Ms. Brazier or Ms. Dawson.

5 326. Filmmaker will call on several key witnesses in the cast, crew, and extras to prove  
6 the Film Office is in disarray. He expects the trial to go for at least ten weeks and asks the  
7 Honorable Court's patience as Filmmaker is bracing for extensive discovery (and  
8 possible Motions to Compel with sanctions) to take place during this litigation.

9 327. This case is very important as there must be freedom of speech in Hawaii and that  
10 federal law still supercedes state law. Hawaii is part of America and most Hawaiians  
11 want that.

12 328. Filmmaker will subpoena every crew member for depositions to testify to the  
13 events as true. And if Defendants lie during their sworn depositions, Filmmaker will file a  
14 criminal complaint with the D.A. for perjury and possible Federal intervention.  
15 Filmmaker will begin depositions within 30 days of the service of the Complaint to get a  
16 head start on all discovery.

17 329. Filmmaker believes the damages to the movie are permanent and irrecoverable  
18 due to Defendant's actions.

19 330. It is paramount that the Honorable Court grant Filmmaker broad discretion in  
20 ascertaining what is going on as Filmmaker expects to file multiple Motions to Compel as  
21 the Defendants have proven themselves deftly good at avoiding or ignoring questions  
22 pertaining to their conduct.

23 331. Defendant's actions left the film in total chaos. The film went overbudget because  
24 of their actions and the Filmmaker had to pay the overbudget out of his own pocket.

25  
26 Office is doing everything possible to sabotage and not pay Filmmaker. This  
27 is indisputable evidence. Filmmaker will submit all of the evidence during  
28 discovery and will file a Motion to seal the documents.

1 332. Again, Filmmaker testifies, under penalty of perjury, that he has never sued any  
2 governmental agency in his entire life.

3 333. Filmmaker will depose Defendants Benita Brazier, Donne Dawson in November.  
4 He will then depose other filmmakers who have shot movies in Hawaii.

5 334. Filmmaker will file a Pre-Judgment Writ of Attachment on all of Defendant's  
6 personal and corporate assets and believes he has been damaged by no less than \$135  
7 million in actual and punitive damages and will spend the next 5 years outlying the case  
8 against the Defendants. They need to be punished severely for their contemptible  
9 mistreatment of a filmmaker who tried to honor the people of Hawaii and their valiant  
10 and courageous leader two hundred years ago.

11 335. Filmmaker is exiting making the next films in Hawaii and the damages are stark  
12 and real – due mostly because of Defendant's fraud and deceit. This will be calculated in  
13 the damages against Defendants.

14  
15 **COUNT 4 – BREACH OF WRITTEN CONTRACT**

16  
17 336. Filmmaker repeats and realleges each and every allegation contained in  
18 paragraphs 1 through 334 above as if fully set forth herein.

19 337. Filmmakers performed all obligations required by to be performed under the  
20 written, signed contract except for those obligations waived, excused, or prevented by  
21 defendants.

22 338. On or about April 2017, Filmmaker began pre-production of one of most  
23 ambitious movies on Hawaii history ever - on the lives of Chiefess Kapiolani, King  
24 Kamehameha, Captain Cook, and Queen Liliuokalani.

25 339. The film made news around the world, including US News and World Report,  
26 NBC, ABC, and local Hawaiian media (Hawaii News Now, Star Advertiser, KHON,  
27 KITV, et al).  
28

1 **340.** As the Plaintiff/Filmmaker Tim Chey is a devout Christian, the first film he  
2 wanted to put into production was the compelling story of Chiefess Kapiolani who found  
3 Christ and went to the top of the volcano to proclaim her new-found faith in the Lord.

4 **341.** Filmmaker enlisted a Native Hawaiian professor at the University of Hawaii who  
5 teaches Native Hawaiian history to help research and co-write the script. Yet a core group  
6 of people who oppose Christianity in Hawaii conspired against the Filmmaker.

7 Filmmaker has ‘smoking-gun’ evidence of this and will release this during discovery and  
8 at the trial.

9 **342.** Filmmaker is contemplating suing this group later in 2019 – he first wants to get  
10 this case moving forward to a 2019/2020 trial.

11 **343.** On or about March 2017, Filmmaker decided to film ‘The Islands’ after being  
12 assured that the Defendant Hawaii Film Office would give a 20% rebate on the budget  
13 that the Film Office gives to all filmmakers. This was extremely important to the  
14 Filmmaker as many production companies base their entire decision for where to film  
15 based on the movie tax credits of each state. This is common industry knowledge and  
16 practice.

17 **344.** Also, the 20% rebate is critically important for P&A (prints and advertising) for  
18 the film’s exposure and marketing funds.

19 **345.** Had Filmmaker known that Defendants would even attempt not to reward the  
20 20% rebate because they didn’t like the content of the movie, the Filmmaker’s beliefs, or  
21 his personality per se, Filmmaker would never have even launched such a huculean effort  
22 in making the film, including casting an Academy-Award winning actress, a legendary  
23 actor, and a 98% Native Polynesian cast. Filmmaker would simply have made another  
24 film in another state. Filmmaker has made 12 movies in 22 years. He did not need the  
25 horrific grief imposed by Defendants collectively.

26 **346.** It is very rare for any governmental agency to act as juvenile, vindictive, and  
27 incompetent as the Hawaii Film Office. It’s astonishing as Filmmaker has worked with  
28 the Connecticut, Lousiana, Virginia, Fiji, California, Michigan, and North Carolina film

1 offices with absolutely no issues or problems. In fact, the Connecticut Film Office gave  
2 Filmmaker his 30% tax rebate for 'Freedom' (Cuba Gooding, Jr., Sharon Leal, William  
3 Sadler) within 30 days after the paperwork was turned in.

4 **347.** From the start of the movie until post-production, Filmmaker made the 20%  
5 rebate the number one priority as he realized how significant the rebate was. It was 20%  
6 of the entire budget and this was to put bread on the table of a faith-based filmmaker.

7 **348.** On or about April 2017, Filmmaker received a strange message from one of the  
8 employees of the Hawaii Film Office. She said she had 'concerns' about Filmmaker's  
9 movie and to call her. Filmmaker returned her call and assured her that one of his co-  
10 writers was a well-respected Native Hawaiian professor at the University of Hawaii who  
11 taught Native Hawaiian history.

12 **349.** Nevertheless, this is a complete violation of Filmmaker's 1<sup>st</sup> Amendment rights  
13 for a government agency to inquire about the content of a movie – it's almost unheard of.  
14 Imagine a California agency calling a Hollywood studio and 'inquiring' about the content  
15 of the horror movie 'The Nun'. The outrage would be worldwide. This is no different.

16 **350.** Having a Hawaii state agency calling to say there's a problem with Filmmaker's  
17 Christian movie reeks of 1<sup>st</sup> Amendment problems of free speech.

18 **351.** The history of Chiefess Kapiolani's leadership brought Christianity to Hawaii.  
19 This is the issue of those who oppose it. Filmmaker gets it and totally understands the  
20 hatred as Jesus himself said "If they hated me, they will hate you." (John 15:18).

21 **352.** Nevertheless, Hawaii is officially part of the United States and must adhere to  
22 federal laws or there will be absolute chaos. The rejection of the rebate to Filmmaker is  
23 the beginning of the end and shows the Defendants collectively breached the implied  
24 covenant of good faith starkly and maliciously.

25 **353.** Again, the film is based on a true story and anything done on the governmental  
26 level to oppose Filmmaker is complete and total discrimination against his religion and  
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1       **354.**       The events of the core group to oppose Filmmaker's telling of the history started  
2       the entire chain-of-events as Filmmaker would not back down from making the film.

3       **355.**       Filmmaker received death threats before and during shooting. His staff had to file  
4       police reports to the incompetent Honolulu police who did absolutely nothing despite  
5       even having the name of the alleged perpetrator.

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7       have also been part of a smear campaign against many historical Hawaiian films,  
8       including Filmmaker's movie.

9       **357.**       In addition to death threats, Filmmaker was up against many other deep hurdles,  
10       including union threats and Hawaiian activists who threatened to shut down the  
11       production on numerous instances.

12       **358.**       In over 60 emails and phone calls, Filmmaker worked diligently to make sure  
13       every single receipt, GET tax id of every single crew member and cast member was  
14       obtained.

15       **359.**       Filmmaker fulfilled each and every requirement methodically and precisely  
16       because he knew the Defendant Hawaii Film Office might try something sneaky.  
17       Filmmaker even has proof that one email mistakenly forwarded to Filmmaker showed  
18       the Defendants were already conspiring to 'get' Filmmaker' (See Exhibit H).

19       **360.**       This process of getting all the requirements for the Hawaii Film Office took over  
20       13 weeks and Filmmaker calculates over 240 hours of man time.

21       **361.**       Filmmaker is also a Harvard-educated attorney and bills at \$550 an hour. So by  
22       just multiplying 240 x \$550 would come to \$192,000. This is how important the rebate  
23       back from the Hawaii Film Office was to the Filmmaker and the Filmmaker asks the  
24       Court to consider the \$192,000 as additional damages aside from the punitive damages.

25       **362.**       Again, the Hawaii Film Office has blatantly lied in their refusal to credit the  
26       Filmmaker with the 20% rebate. There is no reason, outside of their wanting to teach  
27       Filmmaker a lesson, to withhold the tax certificate. Filmmaker fulfilled every  
28       requirement.

1 **363.** Filmmaker tries to show the love of Jesus to everyone he can. However, should  
2 Defendants even broach any issues that demean or slander Filmmaker, Filmmaker will  
3 amend this lawsuit to include defamation and/or libel and slander. Filmmaker is very  
4 confident he would win any Anti-Slapp Motion as he has been more than diligent in the  
5 entire application process.

6 **364.** The fact that Defendants did not alert Filmmaker that he was 'lacking' in further  
7 proof of receipts for more than 9 months is further proof of fraud and deceit that would  
8 later rise up again on much more serious levels.

9 **365.** On or about September 2017, Filmmaker put in several calls to Defendant Brazier  
10 to make sure every 'T' was crossed and every 'I' was dotted. Filmmaker wanted to make  
11 sure there would be no problems with getting the 20% rebate back. This was critical as he  
12 would not have filmed in Hawaii.

13 **366.** On or about September 2017, Defendant Brazier repeatedly told Filmmaker that  
14 he did not need to get the GET Tax Ids for established businesses in Hawaii as they were  
15 obviously paying tax to the Hawaii government.

16 **367.** This proved to be yet another misrepresentation.

17 **368.** On or about September 2018, almost a year later, Defendants Dawson and the  
18 Hawaii Film Office suddenly demanded that all the GET tax IDs should be listed. This is  
19 another brazen and fraudulent attempt to deny Filmmaker his just rebate. Filmmaker did,  
20 in fact, list every single GET Tax ID. Somehow, they lost the paperwork or it was  
21 maliciously destroyed.

22 **369.** In Defendant's one page sheet they sent to Filmmaker - that possibly took less  
23 than an hour to do - not 9 months - they also said the GET Tax IDs were wrong when in  
24 fact they were correct. Further proof that they were desperately trying anything to not  
25 give the Filmmaker his rebate.

26 **370.** The entire one-page sheet is filled with complete wrong assumptions, numbers,  
27 and math. It's like a third-grader put it together hoping this would pass and Filmmaker  
28 would go away.

1       **371.**       On or about October 2017 and three weeks before shooting, Defendant Brazier  
2       contacted the production's UPM and gave the UPM the actual budget figures. This is a  
3       text-book case of conflict of interest. The UPM knew Defendant Brazier and was never  
4       given authorization to have any confidential numbers or should receive them as this  
5       person was only the UPM. The production ended up firing the UPM for gross  
6       incompetence and was later sued by the UPM in small claims.

7       **372.**       Had Filmmaker known this conflict of interest and gross breach of privacy, he  
8       would have immediately requested another contact to work with at the Hawaii Film  
9       Office, because of the industry rule/code that key positions should not be filled by ANY  
10      partnership team because again if one is fired, the other will quit or have to be fired as  
11      well.

12      **373.**       Again, this is a textbook case of breaching a written contract.

13      **374.**       Filmmaker believes and alleges that the UPM's firing has contributed to the  
14      Hawaii Film Office defrauding Filmmaker out of his rightful 20% rebate as the UPM sent  
15      a letter to the office violating the confidentiality provision of her signed contract. No  
16      other true professional in the industry would do this.

17      **375.**       This unprofessional, sneaky, and juvenile high school conduct is another reason  
18      why Filmmaker will never film in Hawaii again.

19      **376.**       On or about November 2017, Filmmaker, to make sure every single requirement  
20      was met, personally emailed Defendant Brazier to have any Film Office employee or  
21      government legislator come to the set (see EXHIBIT B). This requirement is buried in the  
22      forms, but this email again proves how meticulous Filmmaker was in fulfilling every  
23      single requirement including this obscure provision.

24      **377.**       On or about November 17, 2017, Filmmaker submitted the preliminary budget to  
25      the Film Office (see EXHIBIT C). As the Honorable Court can see, the preliminary  
26      requirements were met except for two items which were later fulfilled and never a subject  
27      of dispute.

28

1 **378.** At no time did the Hawaii Film Office ever contact the Filmmaker to alert him to  
2 anything that was not completed or out of the ordinary. In fact, they were silent for  
3 almost eight months.

4 **379.** On or about November 20, 2017, Filmmaker again inquired about the \$1,000  
5 contribution that was required to be made to the University of Hawaii Foundation (see  
6 EXHIBIT D). This again shows how astute and careful Filmmaker was to the  
7 requirements set forth by the Hawaii Film Office.<sup>7</sup>

8 **380.** Filmmaker then donated \$1,000 to the University of Hawaii Foundation in  
9 accordance to the requirements (Filmmaker and his wife give 90% of their wealth away  
10 to charity or to their faith-based endeavors).

11 **381.** On or about December 2017, Filmmaker received the pre-qualification letter (See  
12 EXHIBIT E and F). At no point, did the Hawaii Film Office ever question or comment on  
13 any part of the film's production or requirements.

14 **382.** Multiple calls from March 2017 to February 2018 to Defendant Brazier again  
15 confirmed Filmmaker was on track to receive his rebate.

16 **383.** On or about December 11, 2017, the Hawaii Film Office submitted an email (See  
17 EXHIBIT G) which outline precisely the 7 remaining requirements left to get the tax  
18 certificate.

19 **384.** Filmmaker fulfilled every single requirement and more so and will testify, under  
20 the penalty of perjury (that carries a jail sentence), that every single requirement was  
21 fulfilled with complete honesty and integrity.

22 **385.** This will be proven with 'smoking-gun' evidence at trial and during the Motion  
23 for Summary Judgment.

24  
25  
26 <sup>7</sup> The \$1,000 requirement is yet another misrepresentation of the Hawaii Film  
27 Office's advertising and promotions as this falls beneath the 20% rebate back  
28 then, i.e., you have to pay an additional \$1,000 to be considered for a  
rebate.

1 **386.** To reiterate the point again, had Filmmaker not been deceived by Defendant's  
2 action, Filmmaker would not have filmed any movie in Hawaii. Period.

3 **387.** Nevertheless, it still gets worse.

4 **388.** On or about December 11, 2017, Filmmaker sent an email simply re-confirming  
5 what constitutes a vendor by the Hawaii Film Office (see EXHIBIT H).

6 **389.** In the most juvenile, condescending, and vicious response, Defendant Brazier  
7 replied to Defendant Dawson, "Should we use the definition of vendor in the  
8 dictionary???" She unwittingly copied herself in her reply to the Filmmaker.

9 **390.** As it turns out, this requirement is the exact same thing the Hawaii Film Office  
10 fraudulently used in their desperate attempts to sabotage, smear, and hurt Filmmaker by  
11 denying the rebate. They questioned what constitutes a vendor. It's the 'Confederacy of  
12 Dunces' all over again.

13 **391.** This also proves the immature lengths the Defendants, collectively, have gone to  
14 avoid giving the Filmmaker his earned rebate. It's run like a junior high school.

15 **392.** Again, Filmmaker has worked with the film departments of Connecticut,  
16 Louisiana, Georgia, Virginia, North Carolina, California, et al and has never encountered  
17 such an immature, hostile, mean-spirited, incompetent, sneaky, slow, sensitive, and  
18 manipulative conduct ever. Filmmaker has been in the business for over 22 years again  
19 and has made 12 movies.

20 **393.** The Filmmaker again believes the Honorable U.S. District Court and jury will  
21 find sufficient evidence in the months, and possible years to come, of another corrupt  
22 Hawaiian government agency that needs Federal investigation.

23 **394.** Filmmaker will depose all of the parties at the Hawaii Film Office and past UPMs  
24 and line producer of every single past film to prove there is widespread and gross  
25 incompetence at every level.

26 **395.** Filmmaker also plans to file a whistleblower lawsuit against the Hawaii Film  
27 Office and the Hollywood studios for wasting the taxpayer's money. Filmmaker will file  
28

1 motions to compel the paperwork to see every single budget that the Film Office has  
2 given millions of dollars to the studios and yet denied a simple rebate to the Filmmaker.

3 **396.** On or about December 2017, Filmmaker finished the final paperwork and  
4 contacted the Defendant Hawaii Film Office to begin the tax rebate final process and was  
5 told the tax certificate would be sent within 3 to 6 months. – which is also stated on the  
6 Hawaii Film Office website and on their official forms. It is now October 2018 at the  
7 time of the filing of this suit. This is tragic in every respect.

8 **397.** Again, having the tax certificate was critical in both post-production money and  
9 for the investors. The Defendants were fully aware of this.

10 **398.** Despite numerous emails, Defendants repeatedly dragged their feet and returned  
11 emails sometimes a month later.

12 **399.** They then stated Filmmaker had to do other tasks that were never in the intital  
13 conversations.

14 **400.** Filmmaker shook his head in disbelief. Filmmaker immediately sensed something  
15 was terribly wrong.

16 **401.** Again, Defendants hid the relationships of those that created friction and their  
17 motives of ‘teaching the filmmaker a lesson’ by delaying the tax certificate to now 9  
18 months. This a textbook fraud and deceit and breach of contract.

19 **402.** Again, Filmmaker would never have filmed a movie in Hawaii had he known of  
20 this fraud and deceit, misrepresentation, civil conspiracy and other conduct the Hawaii Film  
21 Office would so brazenly do.

22 **403.** Furthermore, they even admitted themselves that the office has come under  
23 intense scrutiny by legislatures for previous blunders which will be part of the  
24 whistleblower lawsuit. This again is total fraud and deceit and a total conflict of interest.

25 **404.** Defendants went beyond being crafty/sneaky to fraud and deceit as the Court will  
26 see throughout this Complaint. These are the most dishonorable actions that Filmmaker  
27 has ever worked with in 22 years. Here Filmmaker shot a movie that would honor a  
28 Hawaiian Chiefess, pay good-paying jobs to Hawaiian/Polynesians, and the Hawaii Film

1 Office back-stabbed him by deceiving him and playing little juvenile high-school games  
2 no other film office of any state would dare to do.

3 **405.** If in fact, the Hollywood studios have not gone through this level of fraud, then  
4 the Hawaii Film Office, complete with starry, wide eyes, have discriminated against the  
5 Filmmaker either through his religious beliefs (a violation of the First Amendment) or  
6 against him as an independent filmmaker (a violation of the Hawaii Whistleblower Act)  
7 This is a text-book case of self-dealing.

8 **406.** On or about August 2018, Filmmaker sent several emails to the Attorney  
9 General's office and the Governor's office to attempt to understand why the Hawaii Film  
10 Office was taking so long. The Hawaii Film Office refused to answer any emails.

11 **407.** Something was truly wrong here.

12 **408.** Finally, after legal threats, the Hawaii Film Office, in the most overt fraud of  
13 perhaps any governmental agency in the state, then sent Filmmaker an astounding list of  
14 complete lies and fabrications.

15 **409.** Defendants said because Filmmaker has not proved any of his receipts, he is not  
16 entitled to a 20% rebate. Filmmaker immediately knew he was duped.

17 **410.** The Hawaii Film Office sent a list of requirements that are filled with complete  
18 fraud and lies. It's almost jaw-dropping how each remaining requirement had already  
19 been fulfilled.

20 **411.** The Hawaii Film Office sent a one-page sheet that looked like it took ten minutes  
21 to do – not 9 months (see Exhibit A). The Filmmaker will show this smacks of the  
22 juvenile and utterly fraudulent way the Hawaii Film Office went to avoid paying the 20%  
23 rebate.

24 **412.** Among the several 'items' that Hawaii Film Office said the Filmmaker had to  
25 prove was the actual shooting location of Kualoa Ranch (See Exhibit A). Filmmaker sent  
26 the bill, the cancelled checks, and the Defendants still said Filmmaker could not prove  
27 this expense. A simple phone call could verify this expenditure.  
28

1 413. The sheet again shows scores of names of crew that Filmmaker already gave the  
2 Hawaii Film Office every single GET Tax ID that they required. Yet it ignores key  
3 actor's salaries, key equipment rentals, hotels – it's an absolute fraudulent document.<sup>8</sup>

4 414. Defendants Benita Brazier and Donne Dawson clearly acted outside the scope of  
5 their agency in wanting to pay back Filmmaker in retribution for several reasons  
6 Filmmaker will prove at trial.

7 415. The State of Hawaii should not defend Ms. Brazier or Ms. Dawson.

8 416. Filmmaker will call on several key witnesses in the cast, crew, and extras to prove  
9 the Film Office is in disarray. He expects the trial to go for at least ten weeks and asks the  
10 Honorable Court's patience as Filmmaker is bracing for extensive discovery (and  
11 possible Motions to Compel with sanctions) to take place during this litigation.

12 417. This case is very important as there must be freedom of speech in Hawaii and that  
13 federal law still supercedes state law. Hawaii is part of America and most Hawaiians  
14 want that.

15 418. Filmmaker will subpoena every crew member for depositions to testify to the  
16 events as true. And if Defendants lie during their sworn depositions, Filmmaker will file a  
17 criminal complaint with the D.A. for perjury and possible Federal intervention.  
18 Filmmaker will begin depositions within 30 days of the service of the Complaint to get a  
19 head start on all discovery.

20 419. Filmmaker believes the damages to the movie are permanent and irrecoverable  
21 due to Defendant's actions.

---

22  
23  
24 <sup>8</sup> The one-sheet contains over 50 crew and cast that have already been  
25 accounted for. The only way to explain the red marks is the Hawaii Film  
26 Office is doing everything possible to sabotage and not pay Filmmaker. This  
27 is indisputable evidence. Filmmaker will submit all of the evidence during  
28 discovery and will file a Motion to seal the documents.

1 420. It is paramount that the Honorable Court grant Filmmaker broad discretion in  
2 ascertaining what is going on as Filmmaker expects to file multiple Motions to Compel as  
3 the Defendants have proven themselves deftly good at avoiding or ignoring questions  
4 pertaining to their conduct.

5 421. Defendant's actions left the film in total chaos. The film went overbudget because  
6 of their actions and the Filmmaker had to pay the overbudget out of his own pocket.

7 422. Again, Filmmaker testifies, under penalty of perjury, that he has never sued any  
8 governmental agency in his entire life.

9 423. Filmmaker will depose Defendants Benita Brazier, Donne Dawson in November.  
10 He will then depose other filmmakers who have shot movies in Hawaii.

11 424. Filmmaker will file a Pre-Judgment Writ of Attachment on all of Defendant's  
12 personal and corporate assets and believes he has been damaged by no less than \$135  
13 million in actual and punitive damages and will spend the next 5 years outlying the case  
14 against the Defendants. They need to be punished severely for their contemptible  
15 mistreatment of a filmmaker who tried to honor the people of Hawaii and their valiant  
16 and courageous leader two hundred years ago.

17 425. Filmmaker is exiting making the next films in Hawaii and the damages are stark  
18 and real – due mostly because of Defendant's fraud and deceit. This will be calculated in  
19 the damages against Defendants.

20 426. Filmmaker also will depose crew members and others who Defendants divulged  
21 confidential information.

22 427. Filmmakers request the court to expedite discovery and set a trial date in the most  
23 expeditious manner if possible.

24 428. As a direct and proximate result of the foregoing material breaches of the  
25 signed, written contract, Filmmakers have been damaged in an aggregate amount to  
26 be determined at trial, in excess of the jurisdictional minimum of this court, believed  
27 to be no less than \$135 million.  
28

**COUNT 5 – INTENTIONAL MISREPRESENTATION**

1  
2  
3 429. Filmmaker repeats and realleges each and every allegation contained in  
4 paragraphs 1 through 425 above as if fully set forth herein.

5 430. To prevail on a cause of action of intentional misrepresentation, a plaintiff must  
6 show that there exists: (1) A representation; (2) which is material to the transaction at  
7 hand; (3) made falsely, with knowledge of its falsity or recklessness as to whether it is  
8 true or false; (4) with the intention of misleading another party into relying on it; (5)  
9 justifiable reliance on the misrepresentation; and (6) the resulting injury was proximately  
10 caused by the reliance. Plaintiff is very confident that any reasonable jury will find all of  
11 the causes of action present in the ongoing facts and will find in favor of the Plaintiff.

12 431. On or about March 2017, Filmmaker decided to film 'The Islands' after being  
13 assured that the Defendant Hawaii Film Office would give a 20% rebate on the budget  
14 that the Film Office gives to all filmmakers. This was extremely important to the  
15 Filmmaker as many production companies base their entire decision for where to film  
16 based on the movie tax credits of each state. This is common industry knowledge and  
17 practice.

18 432. Also, the 20% rebate is critically important for P&A (prints and advertising) for  
19 the film's exposure and marketing funds.

20 433. Had Filmmaker known that Defendants would even attempt not to reward the  
21 20% rebate because they didn't like the content of the movie, the Filmmaker's beliefs, or  
22 his personality per se, Filmmaker would never have even launched such a huculean effort  
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24 actor, and a 98% Native Polynesian cast. Filmmaker would simply have made another  
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6 rebate the number one priority as he realized how significant the rebate was. It was 20%  
7 of the entire budget and this was to put bread on the table of a faith-based filmmaker.

8 436. On or about April 2017, Filmmaker received a strange message from one of the  
9 employees of the Hawaii Film Office. She said she had 'concerns' about Filmmaker's  
10 movie and to call her. Filmmaker returned her call and assured her that one of his co-  
11 writers was a well-respected Native Hawaiian professor at the University of Hawaii who  
12 taught Native Hawaiian history.

13 437. Nevertheless, this is a complete violation of Filmmaker's 1<sup>st</sup> Amendment rights  
14 for a government agency to inquire about the content of a movie – it's almost unheard of.  
15 Imagine a California agency calling a Hollywood studio and 'inquiring' about the content  
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21 hatred as Jesus himself said "If they hated me, they will hate you." (John 15:18).

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26 Filmmaker with the 20% rebate. There is no reason, outside of their wanting to teach  
27 Filmmaker a lesson, to withhold the tax certificate. Filmmaker fulfilled every  
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1 **451.** Filmmaker tries to show the love of Jesus to everyone he can. However, should  
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3 amend this lawsuit to include defamation and/or libel and slander. Filmmaker is very  
4 confident he would win any Anti-Slapp Motion as he has been more than diligent in the  
5 entire application process.

6 **452.** The fact that Defendants did not alert Filmmaker that he was 'lacking' in further  
7 proof of receipts for more than 9 months is further proof of fraud and deceit that would  
8 later rise up again on much more serious levels.

9 **453.** On or about September 2017, Filmmaker put in several calls to Defendant Brazier  
10 to make sure every 'T' was crossed and every 'I' was dotted. Filmmaker wanted to make  
11 sure there would be no problems with getting the 20% rebate back. This was critical as he  
12 would not have filmed in Hawaii.

13 **454.** On or about September 2017, Defendant Brazier repeatedly told Filmmaker that  
14 he did not need to get the GET Tax Ids for established businesses in Hawaii as they were  
15 obviously paying tax to the Hawaii government.

16 **455.** This proved to be another intentional or negligent misrepresentation.

17 **456.** On or about September 2018, almost a year later, Defendants Dawson and the  
18 Hawaii Film Office suddenly demanded that all the GET tax IDs should be listed. This is  
19 another brazen and fraudulent attempt to deny Filmmaker his just rebate. Filmmaker did,  
20 in fact, list every single GET Tax ID. Somehow, they lost the paperwork or it was  
21 maliciously destroyed.

22 **457.** Filmmaker has already counted over 45 instances of misrepresentation in the one-  
23 sheet the Defendants sent Filmmaker after 9 months. Filmmaker will more than prove  
24 this in the Court of Law. This cause of action of intentional misrepresentation is stark and  
25 provable.

26 **458.** In Defendant's one page sheet they sent to Filmmaker - that possibly took less  
27 than an hour to do - not 9 months - they also said the GET Tax IDs were wrong when in  
28

1 fact they were correct. Further proof that they were desperately trying anything to not  
2 give the Filmmaker his rebate.

3 **459.** The entire one-page sheet is filled with complete wrong assumptions, numbers,  
4 and math. It's like a third-grader put it together hoping this would pass and Filmmaker  
5 would go away.

6 **460.** On or about October 2017 and three weeks before shooting, Defendant Brazier  
7 contacted the production's UPM and gave the UPM the actual budget figures. This is a  
8 text-book case of conflict of interest. The UPM knew Defendant Brazier and was never  
9 given authorization to have any confidential numbers or should receive them as this  
10 person was only the UPM. The production ended up firing the UPM for gross  
11 incompetence and was later sued by the UPM in small claims.

12 **461.** Had Filmmaker known this conflict of interest and gross breach of privacy, he  
13 would have immediately requested another contact to work with at the Hawaii Film  
14 Office, because of the industry rule/code that key positions should not be filled by ANY  
15 partnership team because again if one is fired, the other will quit or have to be fired as  
16 well.

17 **462.** Again, this is a textbook case of breaching an implied good covenant in dealings.

18 **463.** Filmmaker believes and alleges that the UPM's firing has contributed to the  
19 Hawaii Film Office defrauding Filmmaker out of his rightful 20% rebate as the UPM sent  
20 a letter to the office violating the confidentiality provision of her signed contract. No  
21 other true professional in the industry would do this.

22 **464.** This unprofessional, sneaky, and juvenile high school conduct is another reason  
23 why Filmmaker will never film in Hawaii again.

24 **465.** On or about November 2017, Filmmaker, to make sure every single requirement  
25 was met, personally emailed Defendant Brazier to have any Film Office employee or  
26 government legislator come to the set (see EXHIBIT B). This requirement is buried in the  
27 forms, but this email again proves how meticulous Filmmaker was in fulfilling every  
28 single requirement including this obscure provision.

1       **466.**       On or about November 17, 2017, Filmmaker submitted the preliminary budget to  
2       the Film Office (see EXHIBIT C). As the Honorable Court can see, the preliminary  
3       requirements were met except for two items which were later fulfilled and never a subject  
4       of dispute.

5       **467.**       At no time did the Hawaii Film Office ever contact the Filmmaker to alert him to  
6       anything that was not completed or out of the ordinary. In fact, they were silent for  
7       almost eight months.

8       **468.**       On or about November 20, 2017, Filmmaker again inquired about the \$1,000  
9       contribution that was required to be made to the University of Hawaii Foundation (see  
10       EXHIBIT D). This again shows how astute and careful Filmmaker was to the  
11       requirements set forth by the Hawaii Film Office.<sup>9</sup>

12       **469.**       Filmmaker then donated \$1,000 to the University of Hawaii Foundation in  
13       accordance to the requirements (Filmmaker and his wife give 90% of their wealth away  
14       to charity or to their faith-based endeavors).

15       **470.**       On or about December 2017, Filmmaker received the pre-qualification letter (See  
16       EXHIBIT E and F). At no point, did the Hawaii Film Office ever question or comment on  
17       any part of the film's production or requirements.

18       **471.**       Multiple calls from March 2017 to February 2018 to Defendant Brazier again  
19       confirmed Filmmaker was on track to receive his rebate.

20       **472.**       On or about December 11, 2017, the Hawaii Film Office submitted an email (See  
21       EXHIBIT G) which outline precisely the 7 remaining requirements left to get the tax  
22       certificate.

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25       <sup>9</sup> The \$1,000 requirement is yet another misrepresentation of the Hawaii Film  
26       Office's advertising and promotions as this falls beneath the 20% rebate back  
27       then, i.e., you have to pay an additional \$1,000 to be considered for a  
28       rebate.

1 **473.** Filmmaker fulfilled every single requirement and more so and will testify, under  
2 the penalty of perjury (that carries a jail sentence), that every single requirement was  
3 fulfilled with complete honesty and integrity.

4 **474.** This will be proven with 'smoking-gun' evidence at trial and during the Motion  
5 for Summary Judgment.

6 **475.** To reiterate the point again, had Filmmaker not been deceived by Defendant's  
7 action, Filmmaker would not have filmed any movie in Hawaii. Period.

8 **476.** Nevertheless, it still gets worse.

9 **477.** On or about December 11, 2017, Filmmaker sent an email simply re-confirming  
10 what constitutes a vendor by the Hawaii Film Office (see EXHIBIT H).

11 **478.** In the most juvenile, condescending, and vicious response, Defendant Brazier  
12 replied to Defendant Dawson, "Should we use the definition of vendor in the  
13 dictionary???" She unwittingly copied herself in her reply to the Filmmaker.

14 **479.** As it turns out, this requirement is the exact same thing the Hawaii Film Office  
15 fraudulently used in their desperate attempts to sabotage, smear, and hurt Filmmaker by  
16 denying the rebate. They questioned what constitutes a vendor. It's the 'Confederacy of  
17 Dunces' all over again.

18 **480.** This also proves the immature lengths the Defendants, collectively, have gone to  
19 avoid giving the Filmmaker his earned rebate. It's run like a junior high school.

20 **481.** Again, Filmmaker has worked with the film departments of Connecticut,  
21 Louisiana, Georgia, Virginia, North Carolina, California, et al and has never encountered  
22 such an immature, hostile, mean-spirited, incompetent, sneaky, slow, sensitive, and  
23 manipulative conduct ever. Filmmaker has been in the business for over 22 years again  
24 and has made 12 movies.

25 **482.** The Filmmaker again believes the Honorable U.S. District Court and jury will  
26 find sufficient evidence in the months, and possible years to come, of another corrupt  
27 Hawaiian government agency that needs Federal investigation.  
28

1 **483.** Filmmaker will depose all of the parties at the Hawaii Film Office and past UPMs  
2 and line producer of every single past film to prove there is widespread and gross  
3 incompetence at every level.

4 **484.** Filmmaker also plans to file a whistleblower lawsuit against the Hawaii Film  
5 Office and the Hollywood studios for wasting the taxpayer's money. Filmmaker will file  
6 motions to compel the paperwork to see every single budget that the Film Office has  
7 given millions of dollars to the studios and yet denied a simple rebate to the Filmmaker.

8 **485.** On or about December 2017, Filmmaker finished the final paperwork and  
9 contacted the Defendant Hawaii Film Office to begin the tax rebate final process and was  
10 told the tax certificate would be sent within 3 to 6 months. – which is also stated on the  
11 Hawaii Film Office website and on their official forms. It is now October 2018 at the  
12 time of the filing of this suit. This is tragic in every respect.

13 **486.** Again, having the tax certificate was critical in both post-production money and  
14 for the investors. The Defendants were fully aware of this.

15 **487.** Despite numerous emails, Defendants repeatedly dragged their feet and returned  
16 emails sometimes a month later.

17 **488.** They then stated Filmmaker had to do other tasks that were never in the intital  
18 conversations.

19 **489.** Filmmaker shook his head in disbelief. Filmmaker immediately sensed something  
20 was terribly wrong.

21 **490.** Again, Defendants hid the relationships of those that created friction and their  
22 motives of 'teaching the filmmaker a lesson' by delaying the tax certificate to now 9  
23 months. This a textbook fraud and deceit.

24 **491.** Again, Filmmaker would never have filmed a movie in Hawaii had he known of  
25 this fraud and deceit, misrepresentation, civil conspiracy and other conduct the Hawaii Film  
26 Office would so brazenly do.

1 492. Furthermore, they even admitted themselves that the office has come under  
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3 whistleblower lawsuit. This again is total fraud and deceit and a total conflict of interest.

4 493. Defendants went beyond being crafty/sneaky to fraud and deceit as the Court will  
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6 has ever worked with in 22 years. Here Filmmaker shot a movie that would honor a  
7 Hawaiian Chiefess, pay good-paying jobs to Hawaiian/Polynesians, and the Hawaii Film  
8 Office back-stabbed him by deceiving him and playing little juvenile high-school games  
9 no other film office of any state would dare to do.

10 494. If in fact, the Hollywood studios have not gone through this level of fraud, then  
11 the Hawaii Film Office, complete with starry, wide eyes, have discriminated against the  
12 Filmmaker either through his religious beliefs (a violation of the First Amendment) or  
13 against him as an independent filmmaker (a violation of the Hawaii Whistleblower Act)  
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16 General's office and the Governor's office to attempt to understand why the Hawaii Film  
17 Office was taking so long. The Hawaii Film Office refused to answer any emails.

18 496. Something was truly wrong here.

19 497. Finally, after legal threats, the Hawaii Film Office, in the most overt fraud of  
20 perhaps any governmental agency in the state, then sent Filmmaker an astounding list of  
21 complete lies and fabrications.

22 498. Defendants said because Filmmaker has not proved any of his receipts, he is not  
23 entitled to a 20% rebate. Filmmaker immediately knew he was duped.

24 499. The Hawaii Film Office sent a list of requirements that are filled with complete  
25 fraud and lies. It's almost jaw-dropping how each remaining requirement had already  
26 been fulfilled.

27 500. The Hawaii Film Office sent a one-page sheet that looked like it took ten minutes  
28 to do – not 9 months (see Exhibit A). The Filmmaker will show this smacks of the

1 juvenile and utterly fraudulent way the Hawaii Film Office went to avoid paying the 20%  
2 rebate.

3 501. It's also intentional misrepresentation as the Hawaii Film Office states every  
4 filmmaker will receive their rebate back in 3-6 months. It's now been 10 months and no  
5 end in sight.

6 502. Among the several 'items' that Hawaii Film Office said the Filmmaker had to  
7 prove was the actual shooting location of Kualoa Ranch (See Exhibit A). Filmmaker sent  
8 the bill, the cancelled checks, and the Defendants still said Filmmaker could not prove  
9 this expense. A simple phone call could verify this expenditure.

10 503. The sheet again shows scores of names of crew that Filmmaker already gave the  
11 Hawaii Film Office every single GET Tax ID that they required. Yet it ignores key  
12 actor's salaries, key equipment rentals, hotels – it's an absolute fraudulent document.<sup>10</sup>

13 504. Defendants Benita Brazier and Donne Dawson clearly acted outside the scope of  
14 their agency in wanting to pay back Filmmaker in retribution for several reasons  
15 Filmmaker will prove at trial.

16 505. The State of Hawaii should not defend Ms. Brazier or Ms. Dawson.

17 506. Filmmaker will call on several key witnesses in the cast, crew, and extras to prove  
18 the Film Office is in disarray. He expects the trial to go for at least ten weeks and asks the  
19 Honorable Court's patience as Filmmaker is bracing for extensive discovery (and  
20 possible Motions to Compel with sanctions) to take place during this litigation.

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24 <sup>10</sup> The one-sheet contains over 50 crew and cast that have already been  
25 accounted for. The only way to explain the red marks is the Hawaii Film  
26 Office is doing everything possible to sabotage and not pay Filmmaker. This  
27 is indisputable evidence. Filmmaker will submit all of the evidence during  
28 discovery and will file a Motion to seal the documents.

1 507. This case is very important as there must be freedom of speech in Hawaii and that  
2 federal law still supercedes state law. Hawaii is part of America and most Hawaiians  
3 want that.

4 508. Filmmaker will subpoena every crew member for depositions to testify to the  
5 events as true. And if Defendants lie during their sworn depositions, Filmmaker will file a  
6 criminal complaint with the D.A. for perjury and possible Federal intervention.  
7 Filmmaker will begin depositions within 30 days of the service of the Complaint to get a  
8 head start on all discovery.

9 509. Filmmaker believes the damages to the movie are permanent and irrecoverable  
10 due to Defendant's actions.

11 510. It is paramount that the Honorable Court grant Filmmaker broad discretion in  
12 ascertaining what is going on as Filmmaker expects to file multiple Motions to Compel as  
13 the Defendants have proven themselves deftly good at avoiding or ignoring questions  
14 pertaining to their conduct.

15 511. Defendant's actions left the film in total chaos. The film went overbudget because  
16 of their actions and the Filmmaker had to pay the overbudget out of his own pocket.

17 512. Again, Filmmaker testifies, under penalty of perjury, that he has never sued any  
18 governmental agency in his entire life.

19 513. Filmmaker will depose Defendants Benita Brazier, Donne Dawson in November.  
20 He will then depose other filmmakers who have shot movies in Hawaii.

21 514. Filmmaker will file a Pre-Judgment Writ of Attachment on all of Defendant's  
22 personal and corporate assets and believes he has been damaged by no less than \$135  
23 million in actual and punitive damages and will spend the next 5 years outlying the case  
24 against the Defendants. They need to be punished severely for their contemptible  
25 mistreatment of a filmmaker who tried to honor the people of Hawaii and their valiant  
26 and courageous leader two hundred years ago.

27  
28 **COUNT 6 – NEGLIGENT MISREPRESENTATION**

1  
2 515. Filmmaker repeats and realleges each and every allegation contained in  
3 paragraphs 1 through 515 above as if fully set forth herein.

4 516. The courts have looked at four causes of action for negligent misrepresentation  
5 which are i) a representation is made by defendant to Plaintiff where defendant has a  
6 pecuniary interest; ii) defendant supplies false information; iii) defendant did not exercise  
7 reasonable care; iv) Plaintiff suffered consequences/damages

8 517. Filmmaker fulfilled each and every requirement methodically and precisely  
9 because he knew the Defendant Hawaii Film Office might try something sneaky.

10 Filmmaker even has proof that one email mistakenly forwarded to Filmmaker showed  
11 the Defendants were already conspiring to 'get' Filmmaker' (See Exhibit H).

12 518. This process of getting all the requirements for the Hawaii Film Office took over  
13 13 weeks and Filmmaker calculates over 240 hours of man time.

14 519. Filmmaker is also a Harvard-educated attorney and bills at \$550 an hour. So by  
15 just multiplying 240 x \$550 would come to \$192,000. This is how important the rebate  
16 back from the Hawaii Film Office was to the Filmmaker and the Filmmaker asks the  
17 Court to consider the \$192,000 as additional damages aside from the punitive damages.

18 520. Again, the Hawaii Film Office has blatantly lied in their refusal to credit the  
19 Filmmaker with the 20% rebate. There is no reason, outside of their wanting to teach  
20 Filmmaker a lesson, to withhold the tax certificate. Filmmaker fulfilled every  
21 requirement. This is more than just negligent misrepresentation – this is civil  
22 conspiracy.

23 521. Filmmaker tries to show the love of Jesus to everyone he can. Should Defendants  
24 even broach any issues that demean or slander Filmmaker, Filmmaker will amend this  
25 lawsuit to include defamation and/or libel and slander. Filmmaker is very confident he  
26 would win any Anti-Slapp Motion as he has been more than diligent in the entire  
27 application process.  
28

1       **522.**       The fact that Defendants did not alert Filmmaker that he was 'lacking' in further  
2       proof of receipts for more than 9 months is further proof of fraud and deceit that would  
3       later rise up again on much more serious levels.

4       **523.**       On or about September 2017, Filmmaker put in several calls to Defendant Brazier  
5       to make sure every 'T' was crossed and every 'I' was dotted. Filmmaker wanted to make  
6       sure there would be no problems with getting the 20% rebate back. This was critical as he  
7       would not have filmed in Hawaii.

8       **524.**       On or about September 2017, Defendant Brazier repeatedly told Filmmaker that  
9       he did not need to get the GET Tax Ids for established businesses in Hawaii as they were  
10       obviously paying tax to the Hawaii government.

11       **525.**       This proved to be yet another misrepresentation.

12       **526.**       On or about September 2018, almost a year later, Defendants Dawson and the  
13       Hawaii Film Office suddenly demanded that all the GET tax IDs should be listed. This is  
14       another brazen and fraudulent attempt to deny Filmmaker his just rebate. Filmmaker did,  
15       in fact, list every single GET Tax ID. Somehow, they lost the paperwork or it was  
16       maliciously destroyed.

17       **527.**       In Defendant's one page sheet they sent to Filmmaker - that possibly took less  
18       than an hour to do - not 9 months - they also said the GET Tax IDs were wrong when in  
19       fact they were correct. Further proof that they were desperately trying anything to not  
20       give the Filmmaker his rebate.

21       **528.**       The entire one-page sheet is filled with complete wrong assumptions, numbers,  
22       and math. It's like a third-grader put it together hoping this would pass and Filmmaker  
23       would go away.

24       **529.**       On or about October 2017 and three weeks before shooting, Defendant Brazier  
25       contacted the production's UPM and gave the UPM the actual budget figures. This is a  
26       text-book case of conflict of interest. The UPM knew Defendant Brazier and was never  
27       given authorization to have any confidential numbers or should receive them as this  
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1 person was only the UPM. The production ended up firing the UPM for gross  
2 incompetence and was later sued by the UPM in small claims.

3 **530.** Had Filmmaker known this conflict of interest and gross breach of privacy, he  
4 would have immediately requested another contact to work with at the Hawaii Film  
5 Office, because of the industry rule/code that key positions should not be filled by ANY  
6 partnership team because again if one is fired, the other will quit or have to be fired as  
7 well.

8 **531.** On or about November 2017, Filmmaker, to make sure every single requirement  
9 was met, personally emailed Defendant Brazier to have any Film Office employee or  
10 government legislator come to the set (see EXHIBIT B). This requirement is buried in the  
11 forms, but this email again proves how meticulous Filmmaker was in fulfilling every  
12 single requirement including this obscure provision.

13 **532.** On or about November 17, 2017, Filmmaker submitted the preliminary budget to  
14 the Film Office (see EXHIBIT C). As the Honorable Court can see, the preliminary  
15 requirements were met except for two items which were later fulfilled and never a subject  
16 of dispute.

17 **533.** At no time did the Hawaii Film Office ever contact the Filmmaker to alert him to  
18 anything that was not completed or out of the ordinary. In fact, they were silent for  
19 almost eight months.

20 **534.** On or about November 20, 2017, Filmmaker again inquired about the \$1,000  
21 contribution that was required to be made to the University of Hawaii Foundation (see  
22 EXHIBIT D). This again shows how astute and careful Filmmaker was to the  
23 requirements set forth by the Hawaii Film Office.<sup>11</sup>

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25 <sup>11</sup> The \$1,000 requirement is yet another misrepresentation of the Hawaii Film  
26 Office's advertising and promotions as this falls beneath the 20% rebate back  
27 then, i.e., you have to pay an additional \$1,000 to be considered for a  
28 rebate.

1 **535.** Filmmaker then donated \$1,000 to the University of Hawaii Foundation in  
2 accordance to the requirements (Filmmaker and his wife give 90% of their wealth away  
3 to charity or to their faith-based endeavors).

4 **536.** On or about December 2017, Filmmaker received the pre-qualification letter (See  
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6 any part of the film's production or requirements.

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8 confirmed Filmmaker was on track to receive his rebate.

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11 certificate.

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14 fulfilled with complete honesty and integrity.

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16 for Summary Judgment.

17 **541.** To reiterate the point again, had Filmmaker not been deceived by Defendant's  
18 action, Filmmaker would not have filmed any movie in Hawaii. Period.

19 **542.** On or about December 11, 2017, Filmmaker sent an email simply re-confirming  
20 what constitutes a vendor by the Hawaii Film Office (see EXHIBIT H).

21 **543.** In the most juvenile, condescending, and vicious response, Defendant Brazier  
22 replied to Defendant Dawson, "Should we use the definition of vendor in the  
23 dictionary???" She unwittingly copied herself in her reply to the Filmmaker.

24 **544.** As it turns out, this requirement is the exact same thing the Hawaii Film Office  
25 fraudulently used in their desperate attempts to sabotage, smear, and hurt Filmmaker by  
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23 575. Defendant's actions left the film in total chaos. The film went overbudget because  
24 of their actions and the Filmmaker had to pay the overbudget out of his own pocket.

25 576. Again, Filmmaker testifies, under penalty of perjury, that he has never sued any  
26 governmental agency in his entire life and testifies all of these facts are true.  
27  
28

1       **577.       The penalty of perjury in Court is a federal jail sentence and Filmmaker will**  
2       **pursue anyone who lies in Court.** This is the U.S. District Court run by world-class judges  
3       who will not tolerate lying to a Federal judge.

4       **578.       Filmmaker will depose Defendants Benita Brazier, Donne Dawson in November**  
5       **under oath. He will then depose other filmmakers who have shot movies in Hawaii.**

6       **579.       Filmmaker will file a Pre-Judgment Writ of Attachment on all of Defendant's**  
7       **personal and corporate assets and believes he has been damaged by no less than \$135**  
8       **million in actual and punitive damages and will spend the next 5 years outlying the case**  
9       **against the Defendants. They need to be punished severely for their contemptible**  
10       **mistreatment of a filmmaker who tried to honor the people of Hawaii and their valiant**  
11       **and courageous leader two hundred years ago.**

12       **580.       Filmmakers request the court to expedite discovery and set a trial date in the most**  
13       **expeditious manner if possible.**

14  
15        **COUNT 7 – PROMISSORY FRAUD**

16  
17       **581.       Filmmaker repeats and realleges each and every allegation contained in**  
18       **paragraphs 1 through 581 above as if fully set forth herein.**

19       **582.       The fraudulent inducements and false representations by Defendants to**  
20       **Filmmaker described with particularity in this entire Complaint were communicated to**  
21       **Filmmaker through the writer and director both orally and written as set forth therein.**  
22       **The promises contained in the signed Hawaii Production Reports were communicated to**  
23       **Filmmaker by Defendants as well as by and through other individuals affiliated with**  
24       **them orally and in writing. Both said the Defendants would work diligently to fulfill their**  
25       **end of the bargain of issuing a rebate. It's up to the jury to decide this ultimate question.**

26       **583.       Filmmaker is informed, and believes and, based thereon alleges, that at the time**  
27       **Defendants made the above promises, inducements, and representations to Filmmaker to**  
28       **induce Filmmaker to enter into the Written Agreement, they were false in that defendants**

1 used these promises, inducements and representations to Filmmaker to make either a  
2 salary for themselves or continue the Hawaii Film Office existence.

3 **584.** Filmmaker asks the Court to impose the strictest of punitive damages, but in no  
4 event, less than \$25 million in damages for promissory fraud.

5 **585.** Filmmaker is further informed and believes and, based thereon alleges, that such  
6 promises, inducements and representations by Defendants were made with the intent to  
7 induce Filmmaker to enter into the Hawaii Film Rebate program and to render  
8 performance thereunder.

9 **586.** In strict and absolute reliance upon such false promises, inducements, and  
10 representations by Defendants, Filmmaker was induced into filming in Hawaii.

11 **587.** At the time Filmmaker took such actions, it was ignorant of the falsity of  
12 defendant's promises, inducements and representations and, in the exercise of reasonable  
13 diligence, could not have discovered its intentions.

14 **588.** Had Filmmaker known the truth and known of Defendants's intentions, he would  
15 not have filmed a movie in Hawaii. Filmmaker has 'smoking gun' evidence in the form  
16 of emails sent back and forth between Defendant's employees and Filmmaker that should  
17 serve as evidence of true intent.

18 **589.** Filmmaker's intention is very clear: He wanted to make a faith-based film to  
19 honor the people of Hawaii. The breaches are crystal-clear, and thus the court should  
20 affirm a Motion for Summary Judgment in favor of the Filmmaker.

21 **590.** As a direct and proximate result of the above-described acts of Defendants,  
22 Filmmaker has been damaged in an amount to be determined at trial, in excess of the  
23 jurisdictional minimum of this court, and believed to be no less than \$25 million.

24 **591.** Defendants's conduct was (a) contemptible conduct which was carried on with a  
25 willful and conscious disregard for the rights of the Filmmaker, his career, and for the  
26 general public who were deprived of seeing this magnificent film because Defendants  
27 had another agenda and refused to put Filmmaker's film before their own vested  
28 interests; (b) conduct that subjected Filmmaker to unjust hardship in conscious disregard

1 of its rights; and (c) intentional misrepresentation, deceit or concealment of material facts  
2 known to Defendants with the intention of thereby depriving Filmmaker of its property  
3 (and timeliness) and legal rights and otherwise causing injury. Said conduct constitutes  
4 malice, oppression, and fraud within the meaning of promissory fraud.

5 **592.** Therefore, Filmmaker is entitled to recover exemplary and punitive damages  
6 against Defendants, in addition to actual damages, for the sake of example and by way of  
7 punishing Defendants.

8  
9 **COUNT 8 – BREACH OF IMPLIED CONTRACT**

10  
11 **593.** Filmmaker repeats and realleges each and every allegation contained in  
12 paragraphs 1 through 593 above as if fully set forth herein.

13 **594.** In the event that the rebate contract is rescinded or terminated with respect to  
14 Defendants's obligations, then Filmmaker allege that Defendants is in breach of its oral  
15 agreements and implied agreements as well as entitled to punitive damages.

16 **595.** On or about April 2017, Filmmaker began pre-production of one of most  
17 ambitious movies on Hawaii history ever - on the lives of Chiefess Kapiolani, King  
18 Kamehameha, Captain Cook, and Queen Liliuokalani.

19 **596.** The film made news around the world, including US News and World Report,  
20 NBC, ABC, and local Hawaiian media (Hawaii News Now, Star Advertiser, KHON,  
21 KITV, et al).

22 **597.** As the Plaintiff/Filmmaker Tim Chey is a devout Christian, the first film he  
23 wanted to put into production was the compelling story of Chiefess Kapiolani who found  
24 Christ and went to the top of the volcano to proclaim her new-found faith in the Lord.

25 **598.** Filmmaker enlisted a Native Hawaiian professor at the University of Hawaii who  
26 teaches Native Hawaiian history to help research and co-write the script. Yet a core group  
27 of people who oppose Christianity in Hawaii conspired against the Filmmaker.  
28

1 Filmmaker has ‘smoking-gun’ evidence of this and will release this during discovery and  
2 at the trial.

3 **599.** Filmmaker is contemplating suing this group later in 2019 – he first wants to get  
4 this case moving forward to a 2019/2020 trial.

5 **600.** On or about March 2017, Filmmaker decided to film ‘The Islands’ after being  
6 assured that the Defendant Hawaii Film Office would give a 20% rebate on the budget  
7 that the Film Office gives to all filmmakers. This was extremely important to the  
8 Filmmaker as many production companies base their entire decision for where to film  
9 based on the movie tax credits of each state. This is common industry knowledge and  
10 practice.

11 **601.** Also, the 20% rebate is critically important for P&A (prints and advertising) for  
12 the film’s exposure and marketing funds.

13 **602.** Had Filmmaker known that Defendants would even attempt not to reward the  
14 20% rebate because they didn’t like the content of the movie, the Filmmaker’s beliefs, or  
15 his personality per se, Filmmaker would never have even launched such a huculean effort  
16 in making the film, including casting an Academy-Award winning actress, a legendary  
17 actor, and a 98% Native Polynesian cast. Filmmaker would simply have made another  
18 film in another state. Filmmaker has made 12 movies in 22 years. He did not need the  
19 horrific grief imposed by Defendants collectively.

20 **603.** It is very rare for any governmental agency to act as juvenile, vindictive, and  
21 incompetent as the Hawaii Film Office. It’s astonishing as Filmmaker has worked with  
22 the Connecticut, Lousiana, Virginia, Fiji, California, Michigan, and North Carolina film  
23 offices with absolutely no issues or problems. In fact, the Connecticut Film Office gave  
24 Filmmaker his 30% tax rebate for ‘Freedom’ (Cuba Gooding, Jr., Sharon Leal, William  
25 Sadler) within 30 days after the paperwork was turned in.

26 **604.** From the start of the movie until post-production, Filmmaker made the 20%  
27 rebate the number one priority as he realized how significant the rebate was. It was 20%  
28 of the entire budget and this was to put bread on the table of a faith-based filmmaker.

1 **605.** On or about April 2017, Filmmaker received a strange message from one of the  
2 employees of the Hawaii Film Office. She said she had ‘concerns’ about Filmmaker’s  
3 movie and to call her. Filmmaker returned her call and assured her that one of his co-  
4 writers was a well-respected Native Hawaiian professor at the University of Hawaii who  
5 taught Native Hawaiian history.

6 **606.** Nevertheless, this is a complete violation of Filmmaker’s 1<sup>st</sup> Amendment rights  
7 for a government agency to inquire about the content of a movie – it’s almost unheard of.  
8 Imagine a California agency calling a Hollywood studio and ‘inquiring’ about the content  
9 of the horror movie ‘The Nun’. The outrage would be worldwide. This is no different.

10 **607.** Having a Hawaii state agency calling to say there’s a problem with Filmmaker’s  
11 Christian movie reeks of 1<sup>st</sup> Amendment problems of free speech.

12 **608.** The history of Chiefess Kapiolani’s leadership brought Christianity to Hawaii.  
13 This is the issue of those who oppose it. Filmmaker gets it and totally understands the  
14 hatred as Jesus himself said “If they hated me, they will hate you.” (John 15:18).

15 **609.** Nevertheless, Hawaii is officially part of the United States and must adhere to  
16 federal laws or there will be absolute chaos. The rejection of the rebate to Filmmaker is  
17 the beginning of the end and shows the Defendants collectively breached the implied  
18 covenant of good faith starkly and maliciously.

19 **610.** Again, the film is based on a true story and anything done on the governmental  
20 level to oppose Filmmaker is complete and total discrimination against his religion and  
21 unequivocally violates the Filmmaker’s First Amendment rights to free speech.

22 **611.** The events of the core group to oppose Filmmaker’s telling of the history started  
23 the entire chain-of-events as Filmmaker would not back down from making the film.

24 **612.** Filmmaker received death threats before and during shooting. His staff had to file  
25 police reports to the incompetent Honolulu police who did absolutely nothing despite  
26 even having the name of the alleged perpetrator.  
27  
28

1 **613.** Filmmaker alleges that possible elements or people in the Hawaii Film Office  
2 have also been part of a smear campaign against many historical Hawaiian films,  
3 including Filmmaker's movie.

4 **614.** In addition to death threats, Filmmaker was up against many other deep hurdles,  
5 including union threats and Hawaiian activists who threatened to shut down the  
6 production on numerous instances.

7 **615.** In over 60 emails and phone calls, Filmmaker worked diligently to make sure  
8 every single receipt, GET tax id of every single crew member and cast member was  
9 obtained.

10 **616.** Filmmaker fulfilled each and every requirement methodically and precisely  
11 because he knew the Defendant Hawaii Film Office might try something sneaky.

12 Filmmaker even has proof that one email mistakenly forwarded to Filmmaker showed  
13 the Defendants were already conspiring to 'get' Filmmaker' (See Exhibit H).

14 **617.** This process of getting all the requirements for the Hawaii Film Office took over  
15 13 weeks and Filmmaker calculates over 240 hours of man time.

16 **618.** Filmmaker is also a Harvard-educated attorney and bills at \$550 an hour. So by  
17 just multiplying 240 x \$550 would come to \$192,000. This is how important the rebate  
18 back from the Hawaii Film Office was to the Filmmaker and the Filmmaker asks the  
19 Court to consider the \$192,000 as additional damages aside from the punitive damages.

20 **619.** Again, the Hawaii Film Office has blatantly lied in their refusal to credit the  
21 Filmmaker with the 20% rebate. There is no reason, outside of their wanting to teach  
22 Filmmaker a lesson, to withhold the tax certificate. Filmmaker fulfilled every  
23 requirement.

24 **620.** Filmmaker tries to show the love of Jesus to everyone he can. However, should  
25 Defendants even broach any issues that demean or slander Filmmaker, Filmmaker will  
26 amend this lawsuit to include defamation and/or libel and slander. Filmmaker is very  
27 confident he would win any Anti-Slapp Motion as he has been more than diligent in the  
28 entire application process.

1       **621.**       The fact that Defendants did not alert Filmmaker that he was ‘lacking’ in further  
2       proof of receipts for more than 9 months is further proof of fraud and deceit that would  
3       later rise up again on much more serious levels.

4       **622.**       On or about September 2017, Filmmaker put in several calls to Defendant Brazier  
5       to make sure every ‘T’ was crossed and every ‘I’ was dotted. Filmmaker wanted to make  
6       sure there would be no problems with getting the 20% rebate back. This was critical as he  
7       would not have filmed in Hawaii.

8       **623.**       On or about September 2017, Defendant Brazier repeatedly told Filmmaker that  
9       he did not need to get the GET Tax Ids for established businesses in Hawaii as they were  
10       obviously paying tax to the Hawaii government.

11       **624.**       This proved to be yet another misrepresentation.

12       **625.**       On or about September 2018, almost a year later, Defendants Dawson and the  
13       Hawaii Film Office suddenly demanded that all the GET tax IDs should be listed. This is  
14       another brazen and fraudulent attempt to deny Filmmaker his just rebate. Filmmaker did,  
15       in fact, list every single GET Tax ID. Somehow, they lost the paperwork or it was  
16       maliciously destroyed.

17       **626.**       In Defendant’s one page sheet they sent to Filmmaker - that possibly took less  
18       than an hour to do – not 9 months – they also said the GET Tax IDs were wrong when in  
19       fact they were correct. Further proof that they were desperately trying anything to not  
20       give the Filmmaker his rebate.

21       **627.**       The entire one-page sheet is filled with complete wrong assumptions, numbers,  
22       and math. It’s like a third-grader put it together hoping this would pass and Filmmaker  
23       would go away.

24       **628.**       On or about October 2017 and three weeks before shooting, Defendant Brazier  
25       contacted the production’s UPM and gave the UPM the actual budget figures. This is a  
26       text-book case of conflict of interest. The UPM knew Defendant Brazier and was never  
27       given authorization to have any confidential numbers or should receive them as this  
28

1 person was only the UPM. The production ended up firing the UPM for gross  
2 incompetence and was later sued by the UPM in small claims.

3 **629.** Had Filmmaker known this conflict of interest and gross breach of privacy, he  
4 would have immediately requested another contact to work with at the Hawaii Film  
5 Office, because of the industry rule/code that key positions should not be filled by ANY  
6 partnership team because again if one is fired, the other will quit or have to be fired as  
7 well.

8 **630.** Again, this is a textbook case of breaching an implied good covenant in dealings.

9 **631.** Filmmaker believes and alleges that the UPM's firing has contributed to the  
10 Hawaii Film Office defrauding Filmmaker out of his rightful 20% rebate as the UPM sent  
11 a letter to the office violating the confidentiality provision of her signed contract. No  
12 other true professional in the industry would do this.

13 **632.** This unprofessional, sneaky, and juvenile high school conduct is another reason  
14 why Filmmaker will never film in Hawaii again.

15 **633.** On or about November 2017, Filmmaker, to make sure every single requirement  
16 was met, personally emailed Defendant Brazier to have any Film Office employee or  
17 government legislator come to the set (see EXHIBIT B). This requirement is buried in the  
18 forms, but this email again proves how meticulous Filmmaker was in fulfilling every  
19 single requirement including this obscure provision.

20 **634.** On or about November 17, 2017, Filmmaker submitted the preliminary budget to  
21 the Film Office (see EXHIBIT C). As the Honorable Court can see, the preliminary  
22 requirements were met except for two items which were later fulfilled and never a subject  
23 of dispute.

24 **635.** At no time did the Hawaii Film Office ever contact the Filmmaker to alert him to  
25 anything that was not completed or out of the ordinary. In fact, they were silent for  
26 almost eight months.

27 **636.** On or about November 20, 2017, Filmmaker again inquired about the \$1,000  
28 contribution that was required to be made to the University of Hawaii Foundation (see

1 EXHIBIT D). This again shows how astute and careful Filmmaker was to the  
2 requirements set forth by the Hawaii Film Office.<sup>13</sup>

3 **637.** Filmmaker then donated \$1,000 to the University of Hawaii Foundation in  
4 accordance to the requirements (Filmmaker and his wife give 90% of their wealth away  
5 to charity or to their faith-based endeavors).

6 **638.** On or about December 2017, Filmmaker received the pre-qualification letter (See  
7 EXHIBIT E and F). At no point, did the Hawaii Film Office ever question or comment on  
8 any part of the film's production or requirements.

9 **639.** Multiple calls from March 2017 to February 2018 to Defendant Brazier again  
10 confirmed Filmmaker was on track to receive his rebate.

11 **640.** On or about December 11, 2017, the Hawaii Film Office submitted an email (See  
12 EXHIBIT G) which outline precisely the 7 remaining requirements left to get the tax  
13 certificate.

14 **641.** Filmmaker fulfilled every single requirement and more so and will testify, under  
15 the penalty of perjury (that carries a jail sentence), that every single requirement was  
16 fulfilled with complete honesty and integrity.

17 **642.** This will be proven with 'smoking-gun' evidence at trial and during the Motion  
18 for Summary Judgment.

19 **643.** To reiterate the point again, had Filmmaker not been deceived by Defendant's  
20 action, Filmmaker would not have filmed any movie in Hawaii. Period.

21 **644.** Nevertheless, it still gets worse.

22 **645.** On or about December 11, 2017, Filmmaker sent an email simply re-confirming  
23 what constitutes a vendor by the Hawaii Film Office (see EXHIBIT H).

24  
25  
26 <sup>13</sup> The \$1,000 requirement is yet another misrepresentation of the Hawaii Film  
27 Office's advertising and promotions as this falls beneath the 20% rebate back  
28 then, i.e., you have to pay an additional \$1,000 to be considered for a  
rebate.

1       **646.**       In the most juvenile, condescending, and vicious response, Defendant Brazier  
2       replied to Defendant Dawson, “Should we use the definition of vendor in the  
3       dictionary???” She unwittingly copied herself in her reply to the Filmmaker.

4       **647.**       As it turns out, this requirement is the exact same thing the Hawaii Film Office  
5       fraudulently used in their desperate attempts to sabotage, smear, and hurt Filmmaker by  
6       denying the rebate. They questioned what constitutes a vendor. It’s the ‘Confederacy of  
7       Dunces’ all over again.

8       **648.**       This also proves the immature lengths the Defendants, collectively, have gone to  
9       avoid giving the Filmmaker his earned rebate. It’s run like a junior high school.

10       **649.**       Again, Filmmaker has worked with the film departments of Connecticut,  
11       Louisiana, Georgia, Virginia, North Carolina, California, et al and has never encountered  
12       such an immature, hostile, mean-spirited, incompetent, sneaky, slow, sensitive, and  
13       maniupulative conduct ever. Filmmaker has been in the business for over 22 years again  
14       and has made 12 movies.

15       **650.**       The Filmmaker again believes the Honorable U.S. District Court and jury will  
16       find sufficient evidence in the months, and possible years to come, of another corrupt  
17       Hawaiian government agency that needs Federal investigation.

18       **651.**       Filmmaker will depose all of the parties at the Hawaii Film Office and past UPMs  
19       and line producer of every single past film to prove there is widespread and gross  
20       incompetence at every level.

21       **652.**       Filmmaker also plans to file a whistleblower lawsuit against the Hawaii Film  
22       Office and the Hollywood studios for wasting the taxpayer’s money. Filmmaker will file  
23       motions to compel the paperwork to see every single budget that the Film Office has  
24       given millions of dollars to the studios and yet denied a simple rebate to the Filmmaker.

25       **653.**       On or about December 2017, Filmmaker finished the final paperwork and  
26       contacted the Defendant Hawaii Film Office to begin the tax rebate final process and was  
27       told the tax certificate would be sent within 3 to 6 months. – which is also stated on the  
28

1 Hawaii Film Office website and on their official forms. It is now October 2018 at the  
2 time of the filing of this suit. This is tragic in every respect.

3 **654.** Again, having the tax certificate was critical in both post-production money and  
4 for the investors. The Defendants were fully aware of this.

5 **655.** Despite numerous emails, Defendants repeatedly dragged their feet and returned  
6 emails sometimes a month later.

7 **656.** They then stated Filmmaker had to do other tasks that were never in the intital  
8 conversations.

9 **657.** Filmmaker shook his head in disbelief. Filmmaker immediately sensed something  
10 was terribly wrong.

11 **658.** Again, Defendants hid the relationships of those that created friction and their  
12 motives of 'teaching the filmmaker a lesson' by delaying the tax certificate to now 9  
13 months. This a textbook fraud and deceit.

14 **659.** Again, Filmmaker would never have filmed a movie in Hawaii had he known of  
15 this fraud and deceit, misrepresentation, civil conspiracy and other conduct the Hawaii Film  
16 Office would so brazenly do.

17 **660.** Furthermore, they even admitted themselves that the office has come under  
18 intense scrutiny by legislatures for previous blunders which will be part of the  
19 whistleblower lawsuit. This again is total fraud and deceit and a total conflict of interest.

20 **661.** Defendants went beyond being crafty/sneaky to fraud and deceit as the Court will  
21 see throughout this Complaint. These are the most dishonorable actions that Filmmaker  
22 has ever worked with in 22 years. Here Filmmaker shot a movie that would honor a  
23 Hawaiian Chiefess, pay good-paying jobs to Hawaiian/Polynesians, and the Hawaii Film  
24 Office back-stabbed him by deceiving him and playing little juvenile high-school games  
25 no other film office of any state would dare to do.

26 **662.** If in fact, the Hollywood studios have not gone through this level of fraud, then  
27 the Hawaii Film Office, complete with starry, wide eyes, have discriminated against the  
28 Filmmaker either through his religious beliefs (a violation of the First Amendment) or

1 against him as an independent filmmaker (a violation of the Hawaii Whistleblower Act)

2 This is a text-book case of self-dealing.

3 663. On or about August 2018, Filmmaker sent several emails to the Attorney  
4 General's office and the Governor's office to attempt to understand why the Hawaii Film  
5 Office was taking so long. The Hawaii Film Office refused to answer any emails.

6 664. Something was truly wrong here.

7 665. Finally, after legal threats, the Hawaii Film Office, in the most overt fraud of  
8 perhaps any governmental agency in the state, then sent Filmmaker an astounding list of  
9 complete lies and fabrications.

10 666. Defendants said because Filmmaker has not proved any of his receipts, he is not  
11 entitled to a 20% rebate. Filmmaker immediately knew he was duped.

12 667. The Hawaii Film Office sent a list of requirements that are filled with complete  
13 fraud and lies. It's almost jaw-dropping how each remaining requirement had already  
14 been fulfilled.

15 668. The Hawaii Film Office sent a one-page sheet that looked like it took ten minutes  
16 to do – not 9 months (see Exhibit A). The Filmmaker will show this smacks of the  
17 juvenile and utterly fraudulent way the Hawaii Film Office went to avoid paying the 20%  
18 rebate.

19 669. Among the several 'items' that Hawaii Film Office said the Filmmaker had to  
20 prove was the actual shooting location of Kualoa Ranch (See Exhibit A). Filmmaker sent  
21 the bill, the cancelled checks, and the Defendants still said Filmmaker could not prove  
22 this expense. A simple phone call could verify this expenditure.

23 670. The sheet again shows scores of names of crew that Filmmaker already gave the  
24 Hawaii Film Office every single GET Tax ID that they required. Yet it ignores key  
25 actor's salaries, key equipment rentals, hotels – it's an absolute fraudulent document.<sup>14</sup>

26  
27  
28 <sup>14</sup> The one-sheet contains over 50 crew and cast that have already been  
accounted for. The only way to explain the red marks is the Hawaii Film

1 671. Defendants Benita Brazier and Donne Dawson clearly acted outside the scope of  
2 their agency in wanting to pay back Filmmaker in retribution for several reasons  
3 Filmmaker will prove at trial.

4 672. The State of Hawaii should not defend Ms. Brazier or Ms. Dawson.

5 673. Filmmaker will call on several key witnesses in the cast, crew, and extras to prove  
6 the Film Office is in disarray. He expects the trial to go for at least ten weeks and asks the  
7 Honorable Court's patience as Filmmaker is bracing for extensive discovery (and  
8 possible Motions to Compel with sanctions) to take place during this litigation.

9 674. This case is very important as there must be freedom of speech in Hawaii and that  
10 federal law still supercedes state law. Hawaii is part of America and most Hawaiians  
11 want that.

12 675. Filmmaker will subpoena every crew member for depositions to testify to the  
13 events as true. And if Defendants lie during their sworn depositions, Filmmaker will file a  
14 criminal complaint with the D.A. for perjury and possible Federal intervention.  
15 Filmmaker will begin depositions within 30 days of the service of the Complaint to get a  
16 head start on all discovery.

17 676. Filmmaker believes the damages to the movie are permanent and irrecoverable  
18 due to Defendant's actions.

19 677. It is paramount that the Honorable Court grant Filmmaker broad discretion in  
20 ascertaining what is going on as Filmmaker expects to file multiple Motions to Compel as  
21 the Defendants have proven themselves deftly good at avoiding or ignoring questions  
22 pertaining to their conduct.

23 678. Defendant's actions left the film in total chaos. The film went overbudget because  
24 of their actions and the Filmmaker had to pay the overbudget out of his own pocket.

25  
26 Office is doing everything possible to sabotage and not pay Filmmaker. This  
27 is indisputable evidence. Filmmaker will submit all of the evidence during  
28 discovery and will file a Motion to seal the documents.

1       **679.       Again, Filmmaker testifies, under penalty of perjury, that he has never sued any**  
2       **governmental agency in his entire life.**

3       **680.       Filmmaker will depose Defendants Benita Brazier, Donne Dawson in November.**  
4       **He will then depose other filmmakers who have shot movies in Hawaii.**

5       **681.       Filmmaker will file a Pre-Judgment Writ of Attachment on all of Defendant's**  
6       **personal and corporate assets and believes he has been damaged by no less than \$135**  
7       **million in actual and punitive damages and will spend the next 5 years outlying the case**  
8       **against the Defendants. They need to be punished severely for their contemptible**  
9       **mistreatment of a filmmaker who tried to honor the people of Hawaii and their valiant**  
10       **and courageous leader two hundred years ago.**

11       **682.       Filmmaker is exiting making the next films in Hawaii and the damages are stark**  
12       **and real – due mostly because of Defendant's fraud and deceit. This will be calculated in**  
13       **the damages against Defendants.**

14  
15        **COUNT 9 – QUANTUM MERUIT**  
16

17       **683.       Filmmaker repeats and realleges each and every allegation contained in**  
18       **paragraphs 1 through 683 above as if fully set forth herein.**

19       **684.       Filmmaker performed services, labor, and hard work, including fulfilling all**  
20       **Defendant's requirements, including hiring over 183 people and using all the Hawaii**  
21       **vendors in making this very important film.**

22       **685.       Defendants have failed and refuse to pay Filmmaker for the value of his services**  
23       **Filmmaker performed for the Defendants by letting the State enjoy free publicity in**  
24       **having Academy-Award winning actors come to Hawaii and spending money on the**  
25       **crew, hotels, food, construction, venues, catering, etc. Filmmaker is entitled to his full**  
26       **value of services bestowed on Defendants in an amount to be determined at trial but**  
27       **believed to be no less than \$1.5 million which is very conservative in the film industry**  
28       **for a well-known, prominent writer/director.**

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**COUNT 10 – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

686. Filmmaker repeats and realleges each and every allegation contained in paragraphs 1 through 686 above as if fully set forth herein.

687. A cause of action for negligent infliction of emotional distress consists of: (1) a duty of care owed by the defendant to the Filmmaker, (2) breach of that duty by the defendant resulting in severe emotional suffering and (3) actual and proximate causation of severe emotional distress.

688. On or about April 2017, Filmmaker began pre-production of one of most ambitious movies on Hawaii history ever - on the lives of Chiefess Kapiolani, King Kamehameha, Captain Cook, and Queen Liliuokalani.

689. The film made news around the world, including US News and World Report, NBC, ABC, and local Hawaiian media (Hawaii News Now, Star Advertiser, KHON, KITV, et al).

690. As the Plaintiff/Filmmaker Tim Chey is a devout Christian, the first film he wanted to put into production was the compelling story of Chiefess Kapiolani who found Christ and went to the top of the volcano to proclaim her new-found faith in the Lord.

691. Filmmaker enlisted a Native Hawaiian professor at the University of Hawaii who teaches Native Hawaiian history to help research and co-write the script. Yet a core group of people who oppose Christianity in Hawaii conspired against the Filmmaker. Filmmaker has 'smoking-gun' evidence of this and will release this during discovery and at the trial.

692. Filmmaker is contemplating suing this group later in 2019 – he first wants to get this case moving forward to a 2019/2020 trial.

693. On or about March 2017, Filmmaker decided to film 'The Islands' after being assured that the Defendant Hawaii Film Office would give a 20% rebate on the budget

1 that the Film Office gives to all filmmakers. This was extremely important to the  
2 Filmmaker as many production companies base their entire decision for where to film  
3 based on the movie tax credits of each state. This is common industry knowledge and  
4 practice.

5 **694.** Also, the 20% rebate is critically important for P&A (prints and advertising) for  
6 the film's exposure and marketing funds.

7 **695.** Had Filmmaker known that Defendants would even attempt not to reward the  
8 20% rebate because they didn't like the content of the movie, the Filmmaker's beliefs, or  
9 his personality per se, Filmmaker would never have even launched such a huculean effort  
10 in making the film, including casting an Academy-Award winning actress, a legendary  
11 actor, and a 98% Native Polynesian cast. Filmmaker would simply have made another  
12 film in another state. Filmmaker has made 12 movies in 22 years. He did not need the  
13 horrific grief imposed by Defendants collectively.

14 **696.** It is very rare for any governmental agency to act as juvenile, vindictive, and  
15 incompetent as the Hawaii Film Office. It's astonishing as Filmmaker has worked with  
16 the Connecticut, Lousiana, Virginia, Fiji, California, Michigan, and North Carolina film  
17 offices with absolutely no issues or problems. In fact, the Connecticut Film Office gave  
18 Filmmaker his 30% tax rebate for 'Freedom' (Cuba Gooding, Jr., Sharon Leal, William  
19 Sadler) within 30 days after the paperwork was turned in.

20 **697.** From the start of the movie until post-production, Filmmaker made the 20%  
21 rebate the number one priority as he realized how significant the rebate was. It was 20%  
22 of the entire budget and this was to put bread on the table of a faith-based filmmaker.

23 **698.** On or about April 2017, Filmmaker received a strange message from one of the  
24 employees of the Hawaii Film Office. She said she had 'concerns' about Filmmaker's  
25 movie and to call her. Filmmaker returned her call and assured her that one of his co-  
26 writers was a well-respected Native Hawaiian professor at the University of Hawaii who  
27 taught Native Hawaiian history.  
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1 **699.** Nevertheless, this is a complete violation of Filmmaker's 1<sup>st</sup> Amendment rights  
2 for a government agency to inquire about the content of a movie – it's almost unheard of.  
3 Imagine a California agency calling a Hollywood studio and 'inquiring' about the content  
4 of the horror movie 'The Nun'. The outrage would be worldwide. This is no different.

5 **700.** Having a Hawaii state agency calling to say there's a problem with Filmmaker's  
6 Christian movie reeks of 1<sup>st</sup> Amendment problems of free speech.

7 **701.** The history of Chiefess Kapiolani's leadership brought Christianity to Hawaii.  
8 This is the issue of those who oppose it. Filmmaker gets it and totally understands the  
9 hatred as Jesus himself said "If they hated me, they will hate you." (John 15:18).

10 **702.** Nevertheless, Hawaii is officially part of the United States and must adhere to  
11 federal laws or there will be absolute chaos. The rejection of the rebate to Filmmaker is  
12 the beginning of the end and shows the Defendants collectively breached the implied  
13 covenant of good faith starkly and maliciously.

14 **703.** Again, the film is based on a true story and anything done on the governmental  
15 level to oppose Filmmaker is complete and total discrimination against his religion and  
16 unequivocally violates the Filmmaker's First Amendment rights to free speech.

17 **704.** The events of the core group to oppose Filmmaker's telling of the history started  
18 the entire chain-of-events as Filmmaker would not back down from making the film.

19 **705.** Filmmaker received death threats before and during shooting. His staff had to file  
20 police reports to the incompetent Honolulu police who did absolutely nothing despite  
21 even having the name of the alleged perpetrator.

22 **706.** Filmmaker alleges that possible elements or people in the Hawaii Film Office  
23 have also been part of a smear campaign against many historical Hawaiian films,  
24 including Filmmaker's movie.

25 **707.** In addition to death threats, Filmmaker was up against many other deep hurdles,  
26 including union threats and Hawaiian activists who threatened to shut down the  
27 production on numerous instances.  
28

1       **708.**       In over 60 emails and phone calls, Filmmaker worked diligently to make sure  
2       every single receipt, GET tax id of every single crew member and cast member was  
3       obtained.

4       **709.**       Filmmaker fulfilled each and every requirement methodically and precisely  
5       because he knew the Defendant Hawaii Film Office might try something sneaky.  
6       Filmmaker even has proof that one email mistakenly forwarded to Filmmaker showed  
7       the Defendants were already conspiring to ‘get’ Filmmaker’ (See Exhibit H).

8       **710.**       This process of getting all the requirements for the Hawaii Film Office took over  
9       13 weeks and Filmmaker calculates over 240 hours of man time.

10       **711.**       Filmmaker is also a Harvard-educated attorney and bills at \$550 an hour. So by  
11       just multiplying 240 x \$550 would come to \$192,000. This is how important the rebate  
12       back from the Hawaii Film Office was to the Filmmaker and the Filmmaker asks the  
13       Court to consider the \$192,000 as additional damages aside from the punitive damages.

14       **712.**       Again, the Hawaii Film Office has blatantly lied in their refusal to credit the  
15       Filmmaker with the 20% rebate. There is no reason, outside of their wanting to teach  
16       Filmmaker a lesson, to withhold the tax certificate. Filmmaker fulfilled every  
17       requirement.

18       **713.**       Filmmaker tries to show the love of Jesus to everyone he can. However, should  
19       Defendants even broach any issues that demean or slander Filmmaker, Filmmaker will  
20       amend this lawsuit to include defamation and/or libel and slander. Filmmaker is very  
21       confident he would win any Anti-Slapp Motion as he has been more than diligent in the  
22       entire application process.

23       **714.**       The fact that Defendants did not alert Filmmaker that he was ‘lacking’ in further  
24       proof of receipts for more than 9 months is further proof of fraud and deceit that would  
25       later rise up again on much more serious levels.

26       **715.**       On or about September 2017, Filmmaker put in several calls to Defendant Brazier  
27       to make sure every ‘T’ was crossed and every ‘I’ was dotted. Filmmaker wanted to make  
28

1 sure there would be no problems with getting the 20% rebate back. This was critical as he  
2 would not have filmed in Hawaii.

3 **716.** On or about September 2017, Defendant Brazier repeatedly told Filmmaker that  
4 he did not need to get the GET Tax Ids for established businesses in Hawaii as they were  
5 obviously paying tax to the Hawaii government.

6 **717.** This proved to be yet another misrepresentation.

7 **718.** On or about September 2018, almost a year later, Defendants Dawson and the  
8 Hawaii Film Office suddenly demanded that all the GET tax IDs should be listed. This is  
9 another brazen and fraudulent attempt to deny Filmmaker his just rebate. Filmmaker did,  
10 in fact, list every single GET Tax ID. Somehow, they lost the paperwork or it was  
11 maliciously destroyed.

12 **719.** In Defendant's one page sheet they sent to Filmmaker - that possibly took less  
13 than an hour to do – not 9 months – they also said the GET Tax IDs were wrong when in  
14 fact they were correct. Further proof that they were desperately trying anything to not  
15 give the Filmmaker his rebate.

16 **720.** The entire one-page sheet is filled with complete wrong assumptions, numbers,  
17 and math. It's like a third-grader put it together hoping this would pass and Filmmaker  
18 would go away.

19 **721.** On or about October 2017 and three weeks before shooting, Defendant Brazier  
20 contacted the production's UPM and gave the UPM the actual budget figures. This is a  
21 text-book case of conflict of interest. The UPM knew Defendant Brazier and was never  
22 given authorization to have any confidential numbers or should receive them as this  
23 person was only the UPM. The production ended up firing the UPM for gross  
24 incompetence and was later sued by the UPM in small claims.

25 **722.** Had Filmmaker known this conflict of interest and gross breach of privacy, he  
26 would have immediately requested another contact to work with at the Hawaii Film  
27 Office, because of the industry rule/code that key positions should not be filled by ANY  
28

1 partnership team because again if one is fired, the other will quit or have to be fired as  
2 well.

3 **723.** Again, this is a textbook case of breaching an implied good covenant in dealings.

4 **724.** Filmmaker believes and alleges that the UPM's firing has contributed to the  
5 Hawaii Film Office defrauding Filmmaker out of his rightful 20% rebate as the UPM sent  
6 a letter to the office violating the confidentiality provision of her signed contract. No  
7 other true professional in the industry would do this.

8 **725.** This unprofessional, sneaky, and juvenile high school conduct is another reason  
9 why Filmmaker will never film in Hawaii again.

10 **726.** On or about November 2017, Filmmaker, to make sure every single requirement  
11 was met, personally emailed Defendant Brazier to have any Film Office employee or  
12 government legislator come to the set (see EXHIBIT B). This requirement is buried in the  
13 forms, but this email again proves how meticulous Filmmaker was in fulfilling every  
14 single requirement including this obscure provision.

15 **727.** On or about November 17, 2017, Filmmaker submitted the preliminary budget to  
16 the Film Office (see EXHIBIT C). As the Honorable Court can see, the preliminary  
17 requirements were met except for two items which were later fulfilled and never a subject  
18 of dispute.

19 **728.** At no time did the Hawaii Film Office ever contact the Filmmaker to alert him to  
20 anything that was not completed or out of the ordinary. In fact, they were silent for  
21 almost eight months.

22 **729.** On or about November 20, 2017, Filmmaker again inquired about the \$1,000  
23 contribution that was required to be made to the University of Hawaii Foundation (see  
24 EXHIBIT D). This again shows how astute and careful Filmmaker was to the  
25 requirements set forth by the Hawaii Film Office.<sup>15</sup>

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27  
28 <sup>15</sup> The \$1,000 requirement is yet another misrepresentation of the Hawaii Film  
Office's advertising and promotions as this falls beneath the 20% rebate back

1 730. Filmmaker then donated \$1,000 to the University of Hawaii Foundation in  
2 accordance to the requirements (Filmmaker and his wife give 90% of their wealth away  
3 to charity or to their faith-based endeavors).

4 731. On or about December 2017, Filmmaker received the pre-qualification letter (See  
5 EXHIBIT E and F). At no point, did the Hawaii Film Office ever question or comment on  
6 any part of the film's production or requirements.

7 732. Multiple calls from March 2017 to February 2018 to Defendant Brazier again  
8 confirmed Filmmaker was on track to receive his rebate.

9 733. On or about December 11, 2017, the Hawaii Film Office submitted an email (See  
10 EXHIBIT G) which outline precisely the 7 remaining requirements left to get the tax  
11 certificate.

12 734. Filmmaker fulfilled every single requirement and more so and will testify, under  
13 the penalty of perjury (that carries a jail sentence), that every single requirement was  
14 fulfilled with complete honesty and integrity.

15 735. This will be proven with 'smoking-gun' evidence at trial and during the Motion  
16 for Summary Judgment.

17 736. To reiterate the point again, had Filmmaker not been deceived by Defendant's  
18 action, Filmmaker would not have filmed any movie in Hawaii. Period.

19 737. Nevertheless, it still gets worse.

20 738. On or about December 11, 2017, Filmmaker sent an email simply re-confirming  
21 what constitutes a vendor by the Hawaii Film Office (see EXHIBIT H).

22 739. In the most juvenile, condescending, and vicious response, Defendant Brazier  
23 replied to Defendant Dawson, "Should we use the definition of vendor in the  
24 dictionary???" She unwittingly copied herself in her reply to the Filmmaker.

25  
26  
27 then, i.e., you have to pay an additional \$1,000 to be considered for a  
28 rebate.

1       **740.**       As it turns out, this requirement is the exact same thing the Hawaii Film Office  
2       fraudulently used in their desperate attempts to sabotage, smear, and hurt Filmmaker by  
3       denying the rebate. They questioned what constitutes a vendor. It's the 'Confederacy of  
4       Dunces' all over again.

5       **741.**       This also proves the immature lengths the Defendants, collectively, have gone to  
6       avoid giving the Filmmaker his earned rebate. It's run like a junior high school.

7       **742.**       Again, Filmmaker has worked with the film departments of Connecticut,  
8       Louisiana, Georgia, Virginia, North Carolina, California, et al and has never encountered  
9       such an immature, hostile, mean-spirited, incompetent, sneaky, slow, sensitive, and  
10       manipulative conduct ever. Filmmaker has been in the business for over 22 years again  
11       and has made 12 movies.

12       **743.**       The Filmmaker again believes the Honorable U.S. District Court and jury will  
13       find sufficient evidence in the months, and possible years to come, of another corrupt  
14       Hawaiian government agency that needs Federal investigation.

15       **744.**       Filmmaker will depose all of the parties at the Hawaii Film Office and past UPMs  
16       and line producer of every single past film to prove there is widespread and gross  
17       incompetence at every level.

18       **745.**       Filmmaker also plans to file a whistleblower lawsuit against the Hawaii Film  
19       Office and the Hollywood studios for wasting the taxpayer's money. Filmmaker will file  
20       motions to compel the paperwork to see every single budget that the Film Office has  
21       given millions of dollars to the studios and yet denied a simple rebate to the Filmmaker.

22       **746.**       On or about December 2017, Filmmaker finished the final paperwork and  
23       contacted the Defendant Hawaii Film Office to begin the tax rebate final process and was  
24       told the tax certificate would be sent within 3 to 6 months. – which is also stated on the  
25       Hawaii Film Office website and on their official forms. It is now October 2018 at the  
26       time of the filing of this suit. This is tragic in every respect.

27       **747.**       Again, having the tax certificate was critical in both post-production money and  
28       for the investors. The Defendants were fully aware of this.

1       **748.**       Despite numerous emails, Defendants repeatedly dragged their feet and returned  
2       emails sometimes a month later.

3       **749.**       They then stated Filmmaker had to do other tasks that were never in the intital  
4       conversations.

5       **750.**       Filmmaker shook his head in disbelief. Filmmaker immediately sensed something  
6       was terribly wrong.

7       **751.**       Again, Defendants hid the relationships of those that created friction and their  
8       motives of 'teaching the filmmaker a lesson' by delaying the tax certificate to now 9  
9       months. This a textbook negligent infliction of emotional distress.

10       **752.**       Filmmaker has sought counseling with pastors and has to take medicine because  
11       of the effects of what Defendants have done to him.

12       **753.**       These Defendants will also answer to a real God someday: "Do not wrong  
13       someone in Christ. God will punish men for all such sins." 1 Thess 4:6

14       **754.**       Again, Filmmaker would never have filmed a movie in Hawaii had he known of  
15       this fraud and deceit, misrepresentation, civil conspiracy and other conduct the Hawaii Film  
16       Office would so brazenly do.

17       **755.**       Furthermore, they even admitted themselves that the office has come under  
18       intense scrutiny by legislatures for previous blunders which will be part of the  
19       whistleblower lawsuit. This again is total fraud and deceit and a total conflict of interest.

20       **756.**       Defendants went beyond being crafty/sneaky to fraud and deceit as the Court will  
21       see throughout this Complaint. These are the most dishonorable actions that Filmmaker  
22       has ever worked with in 22 years. Here Filmmaker shot a movie that would honor a  
23       Hawaiian Chiefess, pay good-paying jobs to Hawaiian/Polynesians, and the Hawaii Film  
24       Office back-stabbed him by deceiving him and playing little juvenile high-school games  
25       no other film office of any state would dare to do.

26       **757.**       If in fact, the Hollywood studios have not gone through this level of fraud, then  
27       the Hawaii Film Office, complete with starry, wide eyes, have discriminated against the  
28       Filmmaker either through his religious beliefs (a violation of the First Amendment) or

1 against him as an independent filmmaker (a violation of the Hawaii Whistleblower Act)  
2 This is a text-book case of self-dealing.

3 758. On or about August 2018, Filmmaker sent several emails to the Attorney  
4 General's office and the Governor's office to attempt to understand why the Hawaii Film  
5 Office was taking so long. The Hawaii Film Office refused to answer any emails.

6 759. Something was truly wrong here.

7 760. Finally, after legal threats, the Hawaii Film Office, in the most overt fraud of  
8 perhaps any governmental agency in the state, then sent Filmmaker an astounding list of  
9 complete lies and fabrications.

10 761. Defendants said because Filmmaker has not proved any of his receipts, he is not  
11 entitled to a 20% rebate. Filmmaker immediately knew he was duped.

12 762. The Hawaii Film Office sent a list of requirements that are filled with complete  
13 fraud and lies. It's almost jaw-dropping how each remaining requirement had already  
14 been fulfilled.

15 763. The Hawaii Film Office sent a one-page sheet that looked like it took ten minutes  
16 to do – not 9 months (see Exhibit A). The Filmmaker will show this smacks of the  
17 juvenile and utterly fraudulent way the Hawaii Film Office went to avoid paying the 20%  
18 rebate.

19 764. Among the several 'items' that Hawaii Film Office said the Filmmaker had to  
20 prove was the actual shooting location of Kualoa Ranch (See Exhibit A). Filmmaker sent  
21 the bill, the cancelled checks, and the Defendants still said Filmmaker could not prove  
22 this expense. A simple phone call could verify this expenditure.

23 765. The sheet again shows scores of names of crew that Filmmaker already gave the  
24 Hawaii Film Office every single GET Tax ID that they required. Yet it ignores key  
25 actor's salaries, key equipment rentals, hotels – it's an absolute fraudulent document.<sup>16</sup>  
26

27 <sup>16</sup> The one-sheet contains over 50 crew and cast that have already been  
28 accounted for. The only way to explain the red marks is the Hawaii Film

1 766. Defendants Benita Brazier and Donne Dawson clearly acted outside the scope of  
2 their agency in wanting to pay back Filmmaker in retribution for several reasons  
3 Filmmaker will prove at trial.

4 767. The State of Hawaii should not defend Ms. Brazier or Ms. Dawson.

5 768. Filmmaker will call on several key witnesses in the cast, crew, and extras to prove  
6 the Film Office is in disarray. He expects the trial to go for at least ten weeks and asks the  
7 Honorable Court's patience as Filmmaker is bracing for extensive discovery (and  
8 possible Motions to Compel with sanctions) to take place during this litigation.

9 769. This case is very important as there must be freedom of speech in Hawaii and that  
10 federal law still supercedes state law. Hawaii is part of America and most Hawaiians  
11 want that.

12 770. Filmmaker will subpoena every crew member for depositions to testify to the  
13 events as true. And if Defendants lie during their sworn depositions, Filmmaker will file a  
14 criminal complaint with the D.A. for perjury and possible Federal intervention.  
15 Filmmaker will begin depositions within 30 days of the service of the Complaint to get a  
16 head start on all discovery.

17 771. Filmmaker believes the damages to the movie are permanent and irrecoverable  
18 due to Defendant's actions.

19 772. It is paramount that the Honorable Court grant Filmmaker broad discretion in  
20 ascertaining what is going on as Filmmaker expects to file multiple Motions to Compel as  
21 the Defendants have proven themselves deftly good at avoiding or ignoring questions  
22 pertaining to their conduct.

23 773. Defendant's actions left the film in total chaos. The film went overbudget because  
24 of their actions and the Filmmaker had to pay the overbudget out of his own pocket.

25  
26 Office is doing everything possible to sabotage and not pay Filmmaker. This  
27 is indisputable evidence. Filmmaker will submit all of the evidence during  
28 discovery and will file a Motion to seal the documents.

1 774. Again, Filmmaker testifies, under penalty of perjury, that he has never sued any  
2 governmental agency in his entire life.

3 775. Filmmaker will depose Defendants Benita Brazier, Donne Dawson in November.  
4 He will then depose other filmmakers who have shot movies in Hawaii.

5 776. Filmmaker will file a Pre-Judgment Writ of Attachment on all of Defendant's  
6 personal and corporate assets and believes he has been damaged by no less than \$135  
7 million in actual and punitive damages and will spend the next 5 years outlying the case  
8 against the Defendants. They need to be punished severely for their contemptible  
9 mistreatment of a filmmaker who tried to honor the people of Hawaii and their valiant  
10 and courageous leader two hundred years ago.

11 777. Filmmaker is exiting making the next films in Hawaii and the damages are stark  
12 and real – due mostly because of Defendant's fraud and deceit. This will be calculated in  
13 the damages against Defendants.

14 778. Filmmaker also will depose crew members and others who Defendants devulged  
15 confidential information.

16 779. Filmmakers request the court to expedite discovery and set a trial date in the most  
17 expeditious manner if possible.

18  
19 **COUNT 11 – INTENTIONAL INFLICTION OF**  
20 **EMOTIONAL DISTRESS**  
21

22 780. Filmmaker repeats and realleges each and every allegation contained in  
23 paragraphs 1 through 780 above as if fully set forth herein.

24 781. The tort of intentional infliction of emotional distress has four elements: (1) the  
25 defendant must act intentionally or recklessly; (2) the defendant's conduct must be  
26 extreme and outrageous; and (3) the conduct must be the cause (4) of severe emotional  
27 distress  
28

1 **782.** From the start of the movie until post-production, Filmmaker made the 20%  
2 rebate the number one priority as he realized how significant the rebate was. It was 20%  
3 of the entire budget and this was to put bread on the table of a faith-based filmmaker.

4 **783.** On or about April 2017, Filmmaker received a strange message from one of the  
5 employees of the Hawaii Film Office. She said she had ‘concerns’ about Filmmaker’s  
6 movie and to call her. Filmmaker returned her call and assured her that one of his co-  
7 writers was a well-respected Native Hawaiian professor at the University of Hawaii who  
8 taught Native Hawaiian history.

9 **784.** Nevertheless, this is a complete violation of Filmmaker’s 1<sup>st</sup> Amendment rights  
10 for a government agency to inquire about the content of a movie – it’s almost unheard of.  
11 Imagine a California agency calling a Hollywood studio and ‘inquiring’ about the content  
12 of the horror movie ‘The Nun’. The outrage would be worldwide. This is no different.

13 **785.** Having a Hawaii state agency calling to say there’s a problem with Filmmaker’s  
14 Christian movie reeks of 1<sup>st</sup> Amendment problems of free speech.

15 **786.** The history of Chiefess Kapiolani’s leadership brought Christianity to Hawaii.  
16 This is the issue of those who oppose it. Filmmaker gets it and totally understands the  
17 hatred as Jesus himself said “If they hated me, they will hate you.” (John 15:18).

18 **787.** Nevertheless, Hawaii is officially part of the United States and must adhere to  
19 federal laws or there will be absolute chaos. The rejection of the rebate to Filmmaker is  
20 the beginning of the end and shows the Defendants collectively breached the implied  
21 covenant of good faith starkly and maliciously.

22 **788.** Again, the film is based on a true story and anything done on the governmental  
23 level to oppose Filmmaker is complete and total discrimination against his religion and  
24 unequivocally violates the Filmmaker’s First Amendment rights to free speech.

25 **789.** The events of the core group to oppose Filmmaker’s telling of the history started  
26 the entire chain-of-events as Filmmaker would not back down from making the film.  
27  
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1 **790.** Filmmaker received death threats before and during shooting. His staff had to file  
2 police reports to the incompetent Honolulu police who did absolutely nothing despite  
3 even having the name of the alleged perpetrator.

4 **791.** Filmmaker alleges that possible elements or people in the Hawaii Film Office  
5 have also been part of a smear campaign against many historical Hawaiian films,  
6 including Filmmaker's movie.

7 **792.** In addition to death threats, Filmmaker was up against many other deep hurdles,  
8 including union threats and Hawaiian activists who threatened to shut down the  
9 production on numerous instances.

10 **793.** In over 60 emails and phone calls, Filmmaker worked diligently to make sure  
11 every single receipt, GET tax id of every single crew member and cast member was  
12 obtained.

13 **794.** Filmmaker fulfilled each and every requirement methodically and precisely  
14 because he knew the Defendant Hawaii Film Office might try something sneaky.

15 Filmmaker even has proof that one email mistakenly forwarded to Filmmaker showed  
16 the Defendants were already conspiring to 'get' Filmmaker' (See Exhibit H).

17 **795.** This process of getting all the requirements for the Hawaii Film Office took over  
18 13 weeks and Filmmaker calculates over 240 hours of man time.

19 **796.** Filmmaker is also a Harvard-educated attorney and bills at \$550 an hour. So by  
20 just multiplying 240 x \$550 would come to \$192,000. This is how important the rebate  
21 back from the Hawaii Film Office was to the Filmmaker and the Filmmaker asks the  
22 Court to consider the \$192,000 as additional damages aside from the punitive damages.

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24 Filmmaker with the 20% rebate. There is no reason, outside of their wanting to teach  
25 Filmmaker a lesson, to withhold the tax certificate. Filmmaker fulfilled every  
26 requirement.

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28 Defendants even broach any issues that demean or slander Filmmaker, Filmmaker will

1 amend this lawsuit to include defamation and/or libel and slander. Filmmaker is very  
2 confident he would win any Anti-Slapp Motion as he has been more than diligent in the  
3 entire application process.

4 **799.** The fact that Defendants did not alert Filmmaker that he was 'lacking' in further  
5 proof of receipts for more than 9 months is further proof of fraud and deceit that would  
6 later rise up again on much more serious levels.

7 **800.** On or about September 2017, Filmmaker put in several calls to Defendant Brazier  
8 to make sure every 'T' was crossed and every 'I' was dotted. Filmmaker wanted to make  
9 sure there would be no problems with getting the 20% rebate back. This was critical as he  
10 would not have filmed in Hawaii.

11 **801.** On or about September 2017, Defendant Brazier repeatedly told Filmmaker that  
12 he did not need to get the GET Tax Ids for established businesses in Hawaii as they were  
13 obviously paying tax to the Hawaii government.

14 **802.** This proved to be yet another misrepresentation.

15 **803.** On or about September 2018, almost a year later, Defendants Dawson and the  
16 Hawaii Film Office suddenly demanded that all the GET tax IDs should be listed. This is  
17 another brazen and fraudulent attempt to deny Filmmaker his just rebate. Filmmaker did,  
18 in fact, list every single GET Tax ID. Somehow, they lost the paperwork or it was  
19 maliciously destroyed.

20 **804.** In Defendant's one page sheet they sent to Filmmaker - that possibly took less  
21 than an hour to do – not 9 months – they also said the GET Tax IDs were wrong when in  
22 fact they were correct. Further proof that they were desperately trying anything to not  
23 give the Filmmaker his rebate.

24 **805.** The entire one-page sheet is filled with complete wrong assumptions, numbers,  
25 and math. It's like a third-grader put it together hoping this would pass and Filmmaker  
26 would go away.

27 **806.** On or about October 2017 and three weeks before shooting, Defendant Brazier  
28 contacted the production's UPM and gave the UPM the actual budget figures. This is a

1 text-book case of conflict of interest. The UPM knew Defendant Brazier and was never  
2 given authorization to have any confidential numbers or should receive them as this  
3 person was only the UPM. The production ended up firing the UPM for gross  
4 incompetence and was later sued by the UPM in small claims.

5 **807.** Had Filmmaker known this conflict of interest and gross breach of privacy, he  
6 would have immediately requested another contact to work with at the Hawaii Film  
7 Office, because of the industry rule/code that key positions should not be filled by ANY  
8 partnership team because again if one is fired, the other will quit or have to be fired as  
9 well.

10 **808.** Again, this is a textbook case of breaching an implied good covenant in dealings.

11 **809.** Filmmaker believes and alleges that the UPM's firing has contributed to the  
12 Hawaii Film Office defrauding Filmmaker out of his rightful 20% rebate as the UPM sent  
13 a letter to the office violating the confidentiality provision of her signed contract. No  
14 other true professional in the industry would do this.

15 **810.** This unprofessional, sneaky, and juvenile high school conduct is another reason  
16 why Filmmaker will never film in Hawaii again.

17 **811.** On or about November 2017, Filmmaker, to make sure every single requirement  
18 was met, personally emailed Defendant Brazier to have any Film Office employee or  
19 government legislator come to the set (see EXHIBIT B). This requirement is buried in the  
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21 single requirement including this obscure provision.

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24 requirements were met except for two items which were later fulfilled and never a subject  
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27 anything that was not completed or out of the ordinary. In fact, they were silent for  
28 almost eight months.

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5 **815.** Filmmaker then donated \$1,000 to the University of Hawaii Foundation in  
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8 **816.** On or about December 2017, Filmmaker received the pre-qualification letter (See  
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16 **819.** Filmmaker fulfilled every single requirement and more so and will testify, under  
17 the penalty of perjury (that carries a jail sentence), that every single requirement was  
18 fulfilled with complete honesty and integrity.

19 **820.** This will be proven with 'smoking-gun' evidence at trial and during the Motion  
20 for Summary Judgment.

21 **821.** To reiterate the point again, had Filmmaker not been deceived by Defendant's  
22 action, Filmmaker would not have filmed any movie in Hawaii. Period.

23 **822.** Nevertheless, it still gets worse.

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26 <sup>17</sup> The \$1,000 requirement is yet another misrepresentation of the Hawaii Film  
27 Office's advertising and promotions as this falls beneath the 20% rebate back  
28 then, i.e., you have to pay an additional \$1,000 to be considered for a  
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1 **823.** On or about December 11, 2017, Filmmaker sent an email simply re-confirming  
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3 **824.** In the most juvenile, condescending, and vicious response, Defendant Brazier  
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5 dictionary???" She unwittingly copied herself in her reply to the Filmmaker.

6 **825.** As it turns out, this requirement is the exact same thing the Hawaii Film Office  
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8 denying the rebate. They questioned what constitutes a vendor. It's the 'Confederacy of  
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10 **826.** This also proves the immature lengths the Defendants, collectively, have gone to  
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12 **827.** Again, Filmmaker has worked with the film departments of Connecticut,  
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17 **828.** The Filmmaker again believes the Honorable U.S. District Court and jury will  
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19 Hawaiian government agency that needs Federal investigation.

20 **829.** Filmmaker will depose all of the parties at the Hawaii Film Office and past UPMs  
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22 incompetence at every level.

23 **830.** Filmmaker also plans to file a whistleblower lawsuit against the Hawaii Film  
24 Office and the Hollywood studios for wasting the taxpayer's money. Filmmaker will file  
25 motions to compel the paperwork to see every single budget that the Film Office has  
26 given millions of dollars to the studios and yet denied a simple rebate to the Filmmaker.

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1 told the tax certificate would be sent within 3 to 6 months. – which is also stated on the  
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4 **832.** Again, having the tax certificate was critical in both post-production money and  
5 for the investors. The Defendants were fully aware of this.

6 **833.** Despite numerous emails, Defendants repeatedly dragged their feet and returned  
7 emails sometimes a month later.

8 **834.** They then stated Filmmaker had to do other tasks that were never in the initial  
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10 **835.** Filmmaker shook his head in disbelief. Filmmaker immediately sensed something  
11 was terribly wrong.

12 **836.** Again, Defendants hid the relationships of those that created friction and their  
13 motives of ‘teaching the filmmaker a lesson’ by delaying the tax certificate to now 9  
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15 **837.** Again, Filmmaker would never have filmed a movie in Hawaii had he known of  
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17 Office would so brazenly do.

18 **838.** Furthermore, they even admitted themselves that the office has come under  
19 intense scrutiny by legislatures for previous blunders which will be part of the  
20 whistleblower lawsuit. This again is total fraud and deceit and a total conflict of interest.

21 **839.** Defendants went beyond being crafty/sneaky to fraud and deceit as the Court will  
22 see throughout this Complaint. These are the most dishonorable actions that Filmmaker  
23 has ever worked with in 22 years. Here Filmmaker shot a movie that would honor a  
24 Hawaiian Chiefess, pay good-paying jobs to Hawaiian/Polynesians, and the Hawaii Film  
25 Office back-stabbed him by deceiving him and playing little juvenile high-school games  
26 no other film office of any state would dare to do.

27 **840.** If in fact, the Hollywood studios have not gone through this level of fraud, then  
28 the Hawaii Film Office, complete with starry, wide eyes, have discriminated against the

1 Filmmaker either through his religious beliefs (a violation of the First Amendment) or  
2 against him as an independent filmmaker (a violation of the Hawaii Whistleblower Act)  
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7 842. Something was truly wrong here.

8 843. Finally, after legal threats, the Hawaii Film Office, in the most overt fraud of  
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10 complete lies and fabrications.

11 844. Defendants said because Filmmaker has not proved any of his receipts, he is not  
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13 845. The Hawaii Film Office sent a list of requirements that are filled with complete  
14 fraud and lies. It's almost jaw-dropping how each remaining requirement had already  
15 been fulfilled.

16 846. The Hawaii Film Office sent a one-page sheet that looked like it took ten minutes  
17 to do – not 9 months (see Exhibit A). The Filmmaker will show this smacks of the  
18 juvenile and utterly fraudulent way the Hawaii Film Office went to avoid paying the 20%  
19 rebate.

20 847. Among the several 'items' that Hawaii Film Office said the Filmmaker had to  
21 prove was the actual shooting location of Kualoa Ranch (See Exhibit A). Filmmaker sent  
22 the bill, the cancelled checks, and the Defendants still said Filmmaker could not prove  
23 this expense. A simple phone call could verify this expenditure.

1       **848.       The sheet again shows scores of names of crew that Filmmaker already gave the**  
2       **Hawaii Film Office every single GET Tax ID that they required. Yet it ignores key**  
3       **actor's salaries, key equipment rentals, hotels – it's an absolute fraudulent document.**<sup>18</sup>

4       **849.       Defendants Benita Brazier and Donne Dawson clearly acted outside the scope of**  
5       **their agency in wanting to pay back Filmmaker in retribution for several reasons**  
6       **Filmmaker will prove at trial.**

7       **850.       The State of Hawaii should not defend Ms. Brazier or Ms. Dawson.**

8       **851.       Filmmaker will call on several key witnesses in the cast, crew, and extras to prove**  
9       **the Film Office is in disarray. He expects the trial to go for at least ten weeks and asks the**  
10       **Honorable Court's patience as Filmmaker is bracing for extensive discovery (and**  
11       **possible Motions to Compel with sanctions) to take place during this litigation.**

12       **852.       This case is very important as there must be freedom of speech in Hawaii and that**  
13       **federal law still supercedes state law. Hawaii is part of America and most Hawaiians**  
14       **want that.**

15       **853.       Filmmaker will subpoena every crew member for depositions to testify to the**  
16       **events as true. And if Defendants lie during their sworn depositions, Filmmaker will file a**  
17       **criminal complaint with the D.A. for perjury and possible Federal intervention.**  
18       **Filmmaker will begin depositions within 30 days of the service of the Complaint to get a**  
19       **head start on all discovery.**

20       **854.       Filmmaker believes the damages to the movie are permanent and irrecoverable**  
21       **due to Defendant's actions.**

---

24       <sup>18</sup> The one-sheet contains over 50 crew and cast that have already been  
25       accounted for. The only way to explain the red marks is the Hawaii Film  
26       Office is doing everything possible to sabotage and not pay Filmmaker. This  
27       is indisputable evidence. Filmmaker will submit all of the evidence during  
28       discovery and will file a Motion to seal the documents.

1 855. It is paramount that the Honorable Court grant Filmmaker broad discretion in  
2 ascertaining what is going on as Filmmaker expects to file multiple Motions to Compel as  
3 the Defendants have proven themselves deftly good at avoiding or ignoring questions  
4 pertaining to their conduct.

5 **856. As a direct and proximate result of the foregoing material breaches of the**  
6 **signed, written contract, Filmmakers have been damaged in an aggregate amount to**  
7 **be determined at trial, in excess of the jurisdictional minimum of this court, believed**  
8 **to be \$135 million.**

9  
10 **COUNT 12 – CIVIL CONSPIRACY**

11  
12 857. Filmmaker repeats and realleges each and every allegation contained in  
13 paragraphs 1 through 857 above as if fully set forth herein.

14 858. A conspiracy claim consists of (1) a combination of two or more persons acting  
15 with a common purpose to do an unlawful act or to do a lawful act by unlawful means or  
16 for an unlawful purpose; (2) an overt act done in pursuance of common purpose; and (3)  
17 actual legal damage.

18 859. This is a textbook case of Civil Conspiracy done at the governmental level.

19 **860.** From the start of the movie until post-production, Filmmaker made the 20%  
20 rebate the number one priority as he realized how significant the rebate was. It was 20%  
21 of the entire budget and this was to put bread on the table of a faith-based filmmaker.

22 **861.** The events of the core group to oppose Filmmaker's telling of the history started  
23 the entire chain-of-events as Filmmaker would not back down from making the film.

24 **862.** Filmmaker received death threats before and during shooting. His staff had to file  
25 police reports to the Honolulu police who did absolutely nothing despite even having the  
26 name of the alleged perpetrator.

1 **863.** Filmmaker alleges that possible elements or people in the Hawaii Film Office  
2 have also been part of a smear campaign against many historical Hawaiian films,  
3 including Filmmaker's movie.

4 **864.** In addition to death threats, Filmmaker was up against many other deep hurdles,  
5 including union threats and Hawaiian activists who threatened to shut down the  
6 production on numerous instances.

7 **865.** In over 60 emails and phone calls, Filmmaker worked diligently to make sure  
8 every single receipt, GET tax id of every single crew member and cast member was  
9 obtained.

10 **866.** Filmmaker fulfilled each and every requirement methodically and precisely  
11 because he knew the Defendant Hawaii Film Office might try something sneaky.

12 Filmmaker even has proof that one email mistakenly forwarded to Filmmaker showed  
13 the Defendants were already conspiring to 'get' Filmmaker' (See Exhibit H).

14 **867.** This process of getting all the requirements for the Hawaii Film Office took over  
15 13 weeks and Filmmaker calculates over 240 hours of man time.

16 **868.** Filmmaker is also a Harvard-educated attorney and bills at \$550 an hour. So by  
17 just multiplying 240 x \$550 would come to \$192,000. This is how important the rebate  
18 back from the Hawaii Film Office was to the Filmmaker and the Filmmaker asks the  
19 Court to consider the \$192,000 as additional damages aside from the punitive damages.

20 **869.** Again, the Hawaii Film Office has blatantly lied in their refusal to credit the  
21 Filmmaker with the 20% rebate. There is no reason, outside of their wanting to teach  
22 Filmmaker a lesson, to withhold the tax certificate. Filmmaker fulfilled every  
23 requirement.

24 **870.** Filmmaker will prove, beyond reasonable doubt, that the causes of action of civil  
25 conspiracy were present in this case.

26 **871.** The fact that Defendants did not alert Filmmaker that he was 'lacking' in further  
27 proof of receipts for more than 9 months is further proof of civil conspiracy that would  
28 later rise up again on much more serious levels.

1 **872.** This was a small simple film that should not have taken 9 months to do. But  
2 Filmmaker has ‘smoking gun’ evidence that the Defendants do not take the film projects  
3 in by order but by their own wishes. And the fact that the Hawaii Film Office’s own  
4 website states all filmmakers will get their tax certificate within 3-6 months.

5 **873.** On or about September 2017, Filmmaker put in several calls to Defendant Brazier  
6 to make sure every ‘T’ was crossed and every ‘I’ was dotted. Filmmaker wanted to make  
7 sure there would be no problems with getting the 20% rebate back. This was critical as he  
8 would not have filmed in Hawaii.

9 **874.** On or about September 2017, Defendant Brazier repeatedly told Filmmaker that  
10 he did not need to get the GET Tax Ids for established businesses in Hawaii as they were  
11 obviously paying tax to the Hawaii government.

12 **875.** This proved to be yet another negligent or intentional misrepresentation.

13 **876.** On or about September 2018, almost a year later, Defendants Dawson and the  
14 Hawaii Film Office suddenly demanded that all the GET tax IDs should be listed. This is  
15 another brazen and fraudulent attempt to deny Filmmaker his just rebate. Filmmaker did,  
16 in fact, list every single GET Tax ID. Somehow, they lost the paperwork or it was  
17 maliciously destroyed.

18 **877.** In Defendant’s one page sheet they sent to Filmmaker - that possibly took less  
19 than an hour to do – not 9 months – they also said the GET Tax IDs were wrong when in  
20 fact they were correct. Further proof that they were desperately trying anything to not  
21 give the Filmmaker his rebate.

22 **878.** The entire one-page sheet is filled with complete wrong assumptions, numbers,  
23 and math. It’s like a third-grader put it together hoping this would pass and Filmmaker  
24 would go away.

25 **879.** On or about October 2017 and three weeks before shooting, Defendant Brazier  
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1 person was only the UPM. The production ended up firing the UPM for gross  
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5 Office, because of the industry rule/code that key positions should not be filled by ANY  
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13 **883.** This unprofessional, sneaky, and juvenile high school conduct is another reason  
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17 government legislator come to the set (see EXHIBIT B). This requirement is buried in the  
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24 **886.** At no time did the Hawaii Film Office ever contact the Filmmaker to alert him to  
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26 almost eight months.

27 **887.** On or about November 20, 2017, Filmmaker again inquired about the \$1,000  
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21 **895.** Nevertheless, it still gets worse.

22 **896.** On or about December 11, 2017, Filmmaker sent an email simply re-confirming  
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2 their agency in wanting to pay back Filmmaker in retribution for several reasons  
3 Filmmaker will prove at trial.

4 923. The State of Hawaii should not defend Ms. Brazier or Ms. Dawson.

5 924. Filmmaker will call on several key witnesses in the cast, crew, and extras to prove  
6 the Film Office is in disarray. He expects the trial to go for at least ten weeks and asks the  
7 Honorable Court's patience as Filmmaker is bracing for extensive discovery (and  
8 possible Motions to Compel with sanctions) to take place during this litigation.

9 925. This case is very important as there must be freedom of speech in Hawaii and that  
10 federal law still supercedes state law. Hawaii is part of America and most Hawaiians  
11 want that.

12 926. Filmmaker will subpoena every crew member for depositions to testify to the  
13 events as true. And if Defendants lie during their sworn depositions, Filmmaker will file a  
14 criminal complaint with the D.A. for perjury and possible Federal intervention.  
15 Filmmaker will begin depositions within 30 days of the service of the Complaint to get a  
16 head start on all discovery.

17 927. Filmmaker believes the damages to the movie are permanent and irrecoverable  
18 due to Defendant's actions.

19 928. It is paramount that the Honorable Court grant Filmmaker broad discretion in  
20 ascertaining what is going on as Filmmaker expects to file multiple Motions to Compel as  
21 the Defendants have proven themselves deftly good at avoiding or ignoring questions  
22 pertaining to their conduct.

23 929. Defendant's actions left the film in total chaos. The film went overbudget because  
24 of their actions and the Filmmaker had to pay the overbudget out of his own pocket.

25  
26  
27 Office is doing everything possible to sabotage and not pay Filmmaker. This  
28 is indisputable evidence. Filmmaker will submit all of the evidence during  
discovery and will file a Motion to seal the documents.

1 930. Again, Filmmaker testifies, under penalty of perjury, that he has never sued any  
2 governmental agency in his entire life.

3 931. Filmmaker will depose Defendants Benita Brazier, Donne Dawson in November.  
4 He will then depose other filmmakers who have shot movies in Hawaii.

5 932. Filmmaker will file a Pre-Judgment Writ of Attachment on all of Defendant's  
6 personal and corporate assets and believes he has been damaged by no less than \$135  
7 million in actual and punitive damages and will spend the next 5 years outlying the case  
8 against the Defendants. They need to be punished severely for their contemptible  
9 mistreatment of a filmmaker who tried to honor the people of Hawaii and their valiant  
10 and courageous leader two hundred years ago.

11 933. Filmmaker is exiting making the next films in Hawaii and the damages are stark  
12 and real – due mostly because of Defendant's fraud and deceit. This will be calculated in  
13 the damages against Defendants.

14 934. Filmmaker also will depose crew members and others who Defendants divulged  
15 confidential information.

16 935. Filmmakers request the court to expedite discovery and set a trial date in the most  
17 expeditious manner if possible.

18  
19 **COUNT 13 – UNFAIR COMPETITION**  
20

21 936. Filmmaker repeats and realleges each and every allegation contained in  
22 paragraphs 1 through 936 above as if fully set forth herein.

23 937. The Lanham Act (commonly known as Section 43(a)) provides as follows:  
24 Any person who, on or in connection with any goods or services, or any container for goods,  
25 uses in commerce any word, term, name, symbol, or device, or any combination thereof, or any  
26 false designation of origin, false or misleading description of fact, or false or misleading  
27 representation of fact, which—  
28

1 is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation,  
2 connection, or association of such person with another person, or as to the origin,  
3 sponsorship, or approval of his or her goods, services, or commercial activities by  
4 another person, or in commercial advertising or promotion, misrepresents the  
5 nature, characteristics, qualities, or geographic origin of his or her or another  
6 person's goods, services, or commercial activities, shall be liable in a civil action  
7 by any person who believes that he or she is or is likely to be damaged by such  
8 act. 41 U.S.C. § 1125(a)(1).

9 **938.** On or about March 2017, Filmmaker decided to film 'The Islands' after being  
10 assured that the Defendant Hawaii Film Office would give a 20% rebate on the budget  
11 that the Film Office gives to all filmmakers. This was extremely important to the  
12 Filmmaker as many production companies base their entire decision for where to film  
13 based on the movie tax credits of each state. This is common industry knowledge and  
14 practice.

15 **939.** Also, the 20% rebate is critically important for P&A (prints and advertising) for  
16 the film's exposure and marketing funds.

17 **940.** Had Filmmaker known that Defendants would even attempt not to reward the  
18 20% rebate because they didn't like the content of the movie, the Filmmaker's beliefs, or  
19 his personality per se, Filmmaker would never have even launched such a huculean effort  
20 in making the film, including casting an Academy-Award winning actress, a legendary  
21 actor, and a 98% Native Polynesian cast. Filmmaker would simply have made another  
22 film in another state. Filmmaker has made 12 movies in 22 years. He did not need the  
23 horrific grief imposed by Defendants collectively.

24 **941.** It is very rare for any governmental agency to act as juvenile, vindictive, and  
25 incompetent as the Hawaii Film Office. It's astonishing as Filmmaker has worked with  
26 the Connecticut, Lousiana, Virginia, Fiji, California, Michigan, and North Carolina film  
27 offices with absolutely no issues or problems. In fact, the Connecticut Film Office gave  
28

1 Filmmaker his 30% tax rebate for 'Freedom' (Cuba Gooding, Jr., Sharon Leal, William  
2 Sadler) within 30 days after the paperwork was turned in.

3 **942.** But Filmmaker again reminds the Court that the state agencies of Hawaii were  
4 given a D+ for integrity and Hawaii is considered the most corrupt government of any  
5 state in the U.S. This has to improve now or the \$13 billion rail program will never be  
6 finished in our lifetime. This is not a slight on the hard-working Hawaii government  
7 employees, but to the small vocal minorities who pride themselves on laziness and  
8 ineptness as a way of life.

9 **943.** Defendants starkly violated the Lanham Act in the advertisements and dealings  
10 with Filmmaker.

11 **944.** On or about November 17, 2017, Filmmaker submitted the preliminary budget to  
12 the Film Office (see EXHIBIT C). As the Honorable Court can see, the preliminary  
13 requirements were met except for two items which were later fulfilled and never a subject  
14 of dispute.

15 **945.** At no time did the Hawaii Film Office ever contact the Filmmaker to alert him to  
16 anything that was not completed or out of the ordinary. In fact, they were silent for  
17 almost eight months.

18 **946.** On or about November 20, 2017, Filmmaker again inquired about the \$1,000  
19 contribution that was required to be made to the University of Hawaii Foundation (see  
20 EXHIBIT D). This again shows how astute and careful Filmmaker was to the  
21 requirements set forth by the Hawaii Film Office.<sup>21</sup>

22  
23  
24  
25  
26 <sup>21</sup> The \$1,000 requirement is yet another misrepresentation of the Hawaii Film  
27 Office's advertising and promotions as this falls beneath the 20% rebate back  
28 then, i.e., you have to pay an additional \$1,000 to be considered for a  
rebate.

1 947. Filmmaker then donated \$1,000 to the University of Hawaii Foundation in  
2 accordance to the requirements (Filmmaker and his wife give 90% of their wealth away  
3 to charity or to their faith-based endeavors).

4 948. On or about December 2017, Filmmaker received the pre-qualification letter (See  
5 EXHIBIT E and F). At no point, did the Hawaii Film Office ever question or comment on  
6 any part of the film's production or requirements.

7 949. Multiple calls from March 2017 to February 2018 to Defendant Brazier again  
8 confirmed Filmmaker was on track to receive his rebate.

9 950. On or about December 11, 2017, the Hawaii Film Office submitted an email (See  
10 EXHIBIT G) which outline precisely the 7 remaining requirements left to get the tax  
11 certificate.

12 951. Filmmaker fulfilled every single requirement and more so and will testify, under  
13 the penalty of perjury (that carries a jail sentence), that every single requirement was  
14 fulfilled with complete honesty and integrity.

15 952. This will be proven with 'smoking-gun' evidence at trial and during the Motion  
16 for Summary Judgment.

17 953. To reiterate the point again, had Filmmaker not been deceived by Defendant's  
18 action, Filmmaker would not have filmed any movie in Hawaii. Period.

19 954. Nevertheless, it gets worse.

20 955. On or about December 11, 2017, Filmmaker sent an email simply re-confirming  
21 what constitutes a vendor by the Hawaii Film Office (see EXHIBIT H).

22 956. In the most juvenile, condescending, and vicious response, Defendant Brazier  
23 replied to Defendant Dawson, "Should we use the definition of vendor in the  
24 dictionary???" She unwittingly copied herself in her reply to the Filmmaker.

25 957. As it turns out, this requirement is the exact same thing the Hawaii Film Office  
26 fraudulently used in their desperate attempts to sabotage, smear, and hurt Filmmaker by  
27 denying the rebate. They questioned what constitutes a vendor. It's the 'Confederacy of  
28 Dunces' all over again.

1 **958.** This also proves the immature lengths the Defendants, collectively, have gone to  
2 avoid giving the Filmmaker his earned rebate. It's run like a junior high school.

3 **959.** Again, Filmmaker has worked with the film departments of Connecticut,  
4 Louisiana, Georgia, Virginia, North Carolina, California, et al and has never encountered  
5 such an immature, hostile, mean-spirited, incompetent, sneaky, slow, sensitive, and  
6 manipulative conduct ever. Filmmaker has been in the business for over 22 years again  
7 and has made 12 movies.

8 **960.** The Filmmaker again believes the Honorable U.S. District Court and jury will  
9 find sufficient evidence in the months, and possible years to come, of another corrupt  
10 Hawaiian government agency that needs Federal investigation.

11 **961.** Filmmaker will depose all of the parties at the Hawaii Film Office and past UPMs  
12 and line producer of every single past film to prove there is widespread and gross  
13 incompetence at every level.

14 **962.** Filmmaker also plans to file a whistleblower lawsuit against the Hawaii Film  
15 Office and the Hollywood studios for wasting the taxpayer's money. Filmmaker will file  
16 motions to compel the paperwork to see every single budget that the Film Office has  
17 given millions of dollars to the studios and yet denied a simple rebate to the Filmmaker.

18 **963.** On or about December 2017, Filmmaker finished the final paperwork and  
19 contacted the Defendant Hawaii Film Office to begin the tax rebate final process and was  
20 told the tax certificate would be sent within 3 to 6 months. – which is also stated on the  
21 Hawaii Film Office website and on their official forms. It is now October 2018 at the  
22 time of the filing of this suit. This is tragic in every respect.

23 **964.** Again, having the tax certificate was critical in both post-production money and  
24 for the investors. The Defendants were fully aware of this.

25 **965.** Despite numerous emails, Defendants repeatedly dragged their feet and returned  
26 emails sometimes a month later.

27 **966.** They then stated Filmmaker had to do other tasks that were never in the intital  
28 conversations.

1 967. Filmmaker shook his head in disbelief. Filmmaker immediately sensed something  
2 was terribly wrong.

3 968. Again, Defendants hid the relationships of those that created friction and their  
4 motives of 'teaching the filmmaker a lesson' by delaying the tax certificate to now 9  
5 months. This a textbook case of fraud and deceit.

6 969. Again, Filmmaker would never have filmed a movie in Hawaii had he known of  
7 this fraud and deceit, misrepresentation, civil conspiracy and other conduct the Hawaii Film  
8 Office would so brazenly do.

9 970. Furthermore, they even admitted themselves that the office has come under  
10 intense scrutiny by legislatures for previous blunders which will be part of the  
11 whistleblower lawsuit. This again is total fraud and deceit and a total conflict of interest.

12 971. Defendants went beyond being crafty/sneaky to fraud and deceit as the Court will  
13 see throughout this Complaint. These are the most dishonorable actions that Filmmaker  
14 has ever worked with in 22 years. Here Filmmaker shot a movie that would honor a  
15 Hawaiian Chiefess, pay good-paying jobs to Hawaiian/Polynesians, and the Hawaii Film  
16 Office back-stabbed him by deceiving him and playing little juvenile high-school games  
17 no other film office of any state would dare to do.

18 972. If in fact, the Hollywood studios have not gone through this level of fraud, then  
19 the Hawaii Film Office, complete with starry, wide eyes, have discriminated against the  
20 Filmmaker either through his religious beliefs (a violation of the First Amendment) or  
21 against him as an independent filmmaker (a violation of the Hawaii Whistleblower Act)  
22 This is a text-book case of self-dealing.

23 973. On or about August 2018, Filmmaker sent several emails to the Attorney  
24 General's office and the Governor's office to attempt to understand why the Hawaii Film  
25 Office was taking so long. The Hawaii Film Office refused to answer any emails.

26 974. Something was truly wrong here.  
27  
28

1 975. Finally, after legal threats, the Hawaii Film Office, in the most overt fraud of  
2 perhaps any governmental agency in the state, then sent Filmmaker an astounding list of  
3 complete lies and fabrications.

4 976. Defendants said because Filmmaker has not proved any of his receipts, he is not  
5 entitled to a 20% rebate. Filmmaker immediately knew he was duped.

6 977. The Defendant's conduct must be extreme and outrageous and caused enormous  
7 infliction of emotional distress and caused Filmmaker to seek counseling with Pastors.

8 978. This is a text book case of Intentional Infliction of Emotional Distress (IIED).

9 979. The Hawaii Film Office sent a list of requirements that are filled with complete  
10 fraud and lies. It's almost jaw-dropping how each remaining requirement had already  
11 been fulfilled.

12 980. The Hawaii Film Office sent a one-page sheet that looked like it took ten minutes  
13 to do – not 9 months (see Exhibit A). The Filmmaker will show this smacks of the  
14 juvenile and utterly fraudulent way the Hawaii Film Office went to avoid paying the 20%  
15 rebate.

16 981. Among the several 'items' that Hawaii Film Office said the Filmmaker had to  
17 prove was the actual shooting location of Kualoa Ranch (See Exhibit A). Filmmaker sent  
18 the bill, the cancelled checks, and the Defendants still said Filmmaker could not prove  
19 this expense. A simple phone call could verify this expenditure.

20 982. The sheet again shows scores of names of crew that Filmmaker already gave the  
21 Hawaii Film Office every single GET Tax ID that they required. Yet it ignores key  
22 actor's salaries, key equipment rentals, hotels – it's an absolute fraudulent document.<sup>22</sup>

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24 <sup>22</sup> The one-sheet contains over 50 crew and cast that have already been  
25 accounted for. The only way to explain the red marks is the Hawaii Film  
26 Office is doing everything possible to sabotage and not pay Filmmaker. This  
27 is indisputable evidence. Filmmaker will submit all of the evidence during  
28 discovery and will file a Motion to seal the documents.

1 983. Defendants Benita Brazier and Donne Dawson clearly acted outside the scope of  
2 their agency in wanting to pay back Filmmaker in retribution for several reasons  
3 Filmmaker will prove at trial.

4 984. The State of Hawaii should not defend Ms. Brazier or Ms. Dawson.

5 985. Filmmaker will call on several key witnesses in the cast, crew, and extras to prove  
6 the Film Office is in disarray. He expects the trial to go for at least ten weeks and asks the  
7 Honorable Court's patience as Filmmaker is bracing for extensive discovery (and  
8 possible Motions to Compel with sanctions) to take place during this litigation.

9 986. This case is very important as there must be freedom of speech in Hawaii and that  
10 federal law still supercedes state law. Hawaii is part of America and most Hawaiians  
11 want that.

12 987. Filmmaker will subpoena every crew member for depositions to testify to the  
13 events as true. And if Defendants lie during their sworn depositions, Filmmaker will file a  
14 criminal complaint with the D.A. for perjury and possible Federal intervention.  
15 Filmmaker will begin depositions within 30 days of the service of the Complaint to get a  
16 head start on all discovery.

17 988. Filmmaker believes the damages to the movie are permanent and irrecoverable  
18 due to Defendant's actions.

19 989. It is paramount that the Honorable Court grant Filmmaker broad discretion in  
20 ascertaining what is going on as Filmmaker expects to file multiple Motions to Compel as  
21 the Defendants have proven themselves deftly good at avoiding or ignoring questions  
22 pertaining to their conduct.

23 990. Defendant's actions left the film in total chaos. The film went overbudget because  
24 of their actions and the Filmmaker had to pay the overbudget out of his own pocket.

25 991. Again, Filmmaker testifies, under penalty of perjury, that he has never sued any  
26 governmental agency in his entire life.

27 992. Filmmaker will depose Defendants Benita Brazier, Donne Dawson in November.  
28 He will then depose other filmmakers who have shot movies in Hawaii.



1  
2 **COUNT 15 – BREACH OF ACCOUNTING**  
3

4 1001. Filmmaker repeats and realleges each and every allegation contained in  
5 paragraphs 1 through 1001 above as if fully set forth herein.

6 1002. Defendants clearly breached all accounting methods in not even doing simple  
7 mathematics. They failed to add up all the expenditures and tried to lay the blame on  
8 Filmmaker and have him triple-check to show they were in error.

9 1003. Filmmaker has 'smoking-gun' evidence of this in the one-sheet the Hawaii Film  
10 Office submitted to Filmmaker in their rejection of his due rebate.

11 1004. Again, this goes to the heart of who the Defendants are and the complete  
12 disrespect they've shown the Filmmaker by submitting the one-sheet filled with total  
13 errors and fabrications.

14 1005. This is in complete breach of contract and breach of accounting.

15 1006. Filmmaker may also seek assistance with the Attorney General to investigate any  
16 crimes that have also been committed against Filmmakers and other artists.

17 1007. Again, Filmmaker is not the only one who Defendants have mistreated and  
18 possibly scammed. He will call upon other producers who have worked with Defendants.  
19 But regardless, there are enough provable facts for this case to go to trial in 2019/2020.

20 1008. Defendants completely refused to provide any further explanation to where  
21 Filmmaker's complete package went despite Filmmaker asking, "What on earth is going  
22 on?"

23 1009. As a direct and proximate result of the foregoing material breaches of the signed,  
24 written contract regarding accounting, Filmmakers have been damaged in an aggregate  
25 amount to be determined at trial, in excess of the jurisdictional minimum of this court,  
26 believed to be no less than \$135 million.

27  
28 **COUNT 16 – DECLARATORY RELIEF**

1  
2 1010. Filmmaker repeats and realleges each and every allegation contained in  
3 paragraphs 1 through 1010 above as if fully set forth herein.

4 1011. An actual and justiciable controversy has arisen between Filmmaker and  
5 Defendants. Filmmaker, for his respective interests as set forth above, contends:

6 1012. By the conduct of defendants alleged hereinabove, defendants materially breached  
7 the signed Hawaii Production Report to obtain his rebate.

8 1013. By the conduct of Defendants alleged hereinabove, Defendants have materially  
9 breached other duties imposed by contract and/or law with respect to Filmmaker;

10 1014. Filmmaker is informed and believe that Defendants are defaming him via third  
11 parties.

12 1015. Filmmaker is informed and believes that Defendants denies the foregoing  
13 contentions.

14 1016. Filmmaker desires a judicial determination of their rights, duties, and remedies  
15 with respect to the foregoing matters. A judicial declaration is necessary and appropriate  
16 so the parties may proceed in accordance with their rights and obligations as determined  
17 by the court.

18  
19 **COUNT 17 – UNJUST ENRICHMENT**

20  
21 1017. Filmmaker repeats and realleges each and every allegation contained in  
22 paragraphs 1 through 1017 above as if fully set forth herein.

23 1018. As a result of Defendants's conduct alleged hereinabove, defendants have been  
24 unjustly enriched at the expense of the filmmakers, in their respective interests as set  
25 forth above.

26 1019. Filmmakers do not yet know the full amount by which defendants, Defendants,  
27 and Does 1-10 have been so enriched, but are informed and thereon allege that said sum  
28 exceeds \$135 million.

**COUNT 18 – PRELIMINARY AND PERMANENT INJUNCTION**

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1020. Filmmaker repeats and realleges each and every allegation contained in paragraphs 1 through 1020 above as if fully set forth herein.

1021. Due to defendant’s wrongful conduct, breaches of contracts, breaches of obligations, fraud and deceit, Filmmaker is informed and believes that Defendants will continue to violate the provisions of the rebate program because of their ignorance of the law and because of their uneducated beliefs the law does not apply to them. Unless such conduct is enjoined and restrained by an order of the Court, Filmmaker and other filmmakers of possible faith or filmmakers who want to do Hawaiian historical films will continue to suffer great and irreparable injury.

1022. Filmmakers lack an adequate remedy at law for the injuries that would be suffered as a result of Defendants’s flagrant breach of the rebate requirements and because pecuniary damages are insufficient to wholly compensate Filmmaker for their injuries and because it is difficult to ascertain the amount of damages required to afford adequate relief.

1023. Filmmaker thus requests that this Court grant a preliminary injunction and permanent injunction enjoining the Hawaii Film Office and these Defendants, and each of them, and their agents, servants, and employees, and all such persons acting under, in concert with, or for defendants to cease any and all operations until the FBI, Hawaii Attorney General, this Honorable U.S. District Court, and the State Legislature clear the Defendants and the Hawaii Film Office of any wrongdoing.

**COUNT 19 – WRIT OF ATTACHMENT**

1024. Filmmaker repeats and realleges each and every allegation contained in

1 paragraphs 1 through 1024 above as if fully set forth herein.

2 1025. Filmmaker will be seeking a Writ of Attachment against Defendants property,  
3 Defendant’s bank accounts, Defendant’s post-production business, houses, cars, boats,  
4 and any and all personal assets that allows the Filmmaker within a lawsuit to seek a  
5 “prejudgment writ of attachment” by which it can freeze certain assets of a  
6 debtor/defendant.

7 1026. Certain criteria must be met by the creditor for it to succeed in obtaining a  
8 prejudgment writ of attachment as set forth:

- 9 - The underlying claim by the Filmmaker must be based upon a contract ;
- 10 - The Filmmaker must show the “probable validity” of the claim against the defendant;

11 and

- 12 - The defendants must be a business;

13 Filmmaker is informed and believes that the prejudgment writ of attachment is valid in this  
14 case. All of the elements and requierements proved by a preponderance of the evidence, and will  
15 seek an immediate writ by this Court after the suit commences.

16 211. Filmmaker seeks a Writ of Attachment on Defendant’s personal houses, bank  
17 accounts, and individual property until this dispute is resolved. This includes freezing any assets  
18 and future assets until the final outcome and/or Filmmaker prevails.

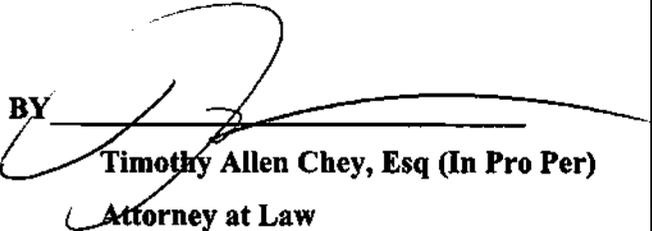
19  
20 **DAMAGES**

21  
22 **WHEREFORE,** Filmmakers prays for judgment in their favor as follows:

- 23
- 24 **1. For Compensatory damages according to proof but exceeding the jurisdictional**
- 25 **limit of this court;**
- 26 **2. For punitive and exemplary damages in an amount sufficient to punish and make**
- 27 **an example of defendant’s wrongful conduct;**
- 28 **3. For Demand for a Full and Unconditional Jury Trial by 2019;**
- 4. For declaration of the parties’ rights and obligations as alleged hereinabove;**

- 1           **5. For restitution of all amounts by which defendants have been unjustly enriched**  
2           **as the result of their wrongful conduct;**
- 3           **6. For the reasonable value of Filmmaker's services;**
- 4           **7. For general damages which, to the extent possible, will put Filmmaker in the**  
5           **position it would have been in had defendants not breached the contracts, all**  
6           **according to proof at trial, but in excess of the jurisdictional minimum of this**  
7           **Court.**
- 8           **8. For attorney expenses, fees, and costs of suit incurred herein, including all attorney's**  
9           **fees, including attorney's fee at \$550/hour.**
- 10          **9. For interest at the maximum legal rate;**
- 11          **10. For prejudgment or other award at the maximum rate permitted by law;**
- 12          **11. For an Injunction requiring the Hawaii Film Office to cease any and all operations**  
13          **until the FBI, Hawaii Attorney General, this Honorable U.S. District Court, and the**  
14          **State Legislature clear the Defendants and the Hawaii Film Office of any**  
15          **wrongdoing**

16       **DATED: October 3, 2018**

17  
18       BY 

19           **Timothy Allen Chey, Esq (In Pro Per)**

20           **Attorney at Law**

21           **California State Bar No. 172096**