

ANNE E. LOPEZ	7609
Attorney General of Hawai‘i	
CRAIG Y. IHA	7919
TRISTA N. SPEER	10729
Deputy Attorneys General	
Department of the Attorney	
General, State of Hawai‘i	
425 Queen Street	
Honolulu, Hawai‘i 96813	
Tel: 808 587-2978	
E-mail: craig.y.iha@hawaii.gov	

Attorneys for Defendant ANNE E. LOPEZ,
in her official capacity as Attorney General
of Hawai‘i

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI‘I

TODD YUKUTAKE
and JUSTIN SOLOMON,

Plaintiffs,

v.

ANNE E. LOPEZ, in her official
capacity as Attorney General for the
State of Hawai‘i,

Defendant.

No. 1:22-cv-00323-JAO-WRP

**STIPULATED FINAL JUDGMENT
AND PERMANENT INJUNCTION**

District Judge:
Hon. Jill A. Otake

Magistrate Judge:
Hon. Wes Reber Porter

Trial Date: April 22, 2024

STIPULATED FINAL JUDGMENT AND PERMANENT INJUNCTION

1. IT IS ORDERED AND ADJUDGED that JUDGMENT is entered against Defendant ANNE E. LOPEZ, in her official capacity as Attorney General for the State of Hawai‘i (“**Defendant**”) and in favor of Plaintiffs TODD YUKUTAKE and JUSTIN SOLOMON (“**Plaintiffs**”, collectively the “**Parties**”) in accordance with the terms set forth below.

2. Plaintiffs filed a Complaint asserting claims under 42 U.S.C. § 1983; U.S. Const. amend. II and the Declaratory Judgment Act.

3. This Court has jurisdiction over the subject matter of this action, except with respect to Plaintiffs’ damages claims, and over all parties to this action.

4. Defendant ANNE E. LOPEZ, in her official capacity as Attorney General for the State of Hawai‘i (as well as her officers, agents, servants, employees, and all persons in active concert or participation with them who receive actual notice of the injunction) is hereby permanently enjoined from enforcing against Plaintiffs TODD YUKUTAKE and JUSTIN SOLOMON, and any and all other persons who are not otherwise legally prohibited from possession of a “billy”:

a. the “billy” provision of HRS § 134-51(a) as currently written, which provides that “[a]ny person, not authorized by law, who carries concealed upon the person’s self or within any vehicle used or occupied by the person or who is found armed with any . . . billy . . . shall be guilty of a misdemeanor and may be immediately arrested without warrant by any sheriff, police officer, or other officer

or person” and that “[a]ny [billy] upon conviction of the one carrying or possessing it under this section, shall be summarily destroyed by the chief of police or sheriff.”

5. The Parties agree that for purposes of this Stipulated Final Judgment and Permanent Injunction only, the instruments considered to comprise the term “billy” pursuant to HRS § 134-51 are defined as: instruments which are typically short clubs that are intended to be carried by a law enforcement officer, and include but are not limited to cudgels, truncheons, police batons, collapsible batons, billy clubs, or nightsticks, and includes the instrument that is the subject of this lawsuit as described in footnote 4 and paragraphs 50 and 62 of the Complaint.

6. This Stipulated Final Judgment and Permanent Injunction shall not be construed to apply to or affect or in any way impede any enforcement of HRS § 134-51(b) against any person (including Plaintiffs) with respect to a billy. Nor shall this Stipulated Final Judgment and Permanent Injunction be construed to apply to or affect or in any way impede any enforcement of HRS § 134-51(a) against any person (including Plaintiffs) with respect to “any dirk, dagger, blackjack, slug shot, . . . metal knuckles, pistol, or other deadly or dangerous weapon,” or any other provision of HRS chapter 134 or other provision of Hawai‘i law. The phrase “other deadly or dangerous weapon” in HRS § 134-51(a) does not include a billy.

7. This Stipulated Final Judgment and Permanent Injunction shall not be construed to apply to or affect in any way any other case that is or may be pending

pertaining to issues involving the Second Amendment to the United States Constitution.

8. The Court shall retain jurisdiction over this action for the purpose of implementing and enforcing this Stipulated Final Judgment and Permanent Injunction.

9. IT IS ORDERED AND ADJUDGED that JUDGMENT is entered against Defendant ANNE E. LOPEZ, in her official capacity as Attorney General of Hawai'i, in the amount of a single payment in the total amount of FIFTY THOUSAND DOLLARS (\$50,000.00), for payment of attorneys' fees and costs, subject to necessary legislative approval, made payable to Holcomb Law, LLC Client Trust Account. Should any State executive or legislative entity from which approval is necessary decline approval, this Stipulated Final Judgment and Permanent Injunction shall be null and void and shall be set aside.

10. As consideration for this payment, Plaintiffs unconditionally release, acquit, and discharge Defendant from all claims and causes of action arising from the facts alleged in the instant lawsuit.

11. Defendant consents to the entry of this Stipulated Final Judgment and Permanent Injunction without admitting liability and without admitting the allegations in the Complaint. Nothing in this Stipulated Final Judgment and Permanent Injunction shall be construed as an admission of a violation of any right by or on the part of Defendant with respect to any person.

12. Should the Attorney General be notified of an alleged violation of this Injunction, the Department of the Attorney General shall investigate any such violation and report any such violation to the Court.

13. To the maximum extent authorized under State law, the Attorney General shall direct her agents and all other persons under her authority to comply with the terms of this Injunction and will direct all persons under the legal authority of the Attorney General not to enforce the “billy” provision of HRS § 134-51(a) as set forth in the Injunction.

14. The Attorney General shall advise all county governments and chiefs of police within the State regarding the existence of this Injunction, and will further advise all county governments and chiefs of police within the State to comply with the terms of this Injunction.

DATED: Honolulu, Hawai‘i, May 23, 2023.

/s/ Alan A. Beck

ALAN ALEXANDER BECK
RICHARD L. HOLCOMB

Attorneys for Plaintiffs TODD YUKUTAKE
and JUSTIN SOLOMON

DATED: Honolulu, Hawai‘i, May 23, 2023.

/s/ Trista N. Speer

CRAIG Y. IHA

TRISTA N. SPEER
Deputy Attorneys General

Attorneys for Defendant ANNE E. LOPEZ, in
her official capacity as the Attorney General
of the State of Hawai‘i

IT IS SO ORDERED, ADJUDGED, AND DECREED



A handwritten signature in black ink, appearing to read "Jill A. Otake".

Jill A. Otake
United States District Judge

Judge of the above-entitled Court

Yukutake v. Lopez; Civil No. 1:22-cv-00323-JAO-WRP; United States District Court
for the District of Hawai‘i; STIPULATED FINAL JUDGMENT AND
PERMANENT INJUNCTION