

IN THE UNITED STATES DISTRICT COURT

DEC 22 2005

FOR THE DISTRICT OF HAWAII

at 9 o'clock and 15 min a M
SUE BEITIA, CLERK *SB*

NA LEI ALII KAWANANAKOA, a)
Hawaii nonprofit corporation; and)
ROYAL HAWAIIAN ACADEMY)
OF TRADITIONAL ARTS, a)
Hawaii nonprofit corporation,)
)
Plaintiffs,)

CV. NO. 05-00540 DAE-KSC

vs.)

BISHOP MUSEUM, a Hawaii)
nonprofit corporation; HUI)
MALAMA I NA KUPUNA 'O)
HAWAII NEI, a Hawaii nonprofit)
corporation; JOHN DOES 1-50;)
JANE DOES 1-50; DOE)
CORPORATIONS 1-50; DOE)
PARTNERSHIPS 1-50; DOE)
GOVERNMENTAL ENTITIES 1-)
10; and OTHER DOE ENTITIES 1-)
50,)
)
Defendants.)
)
_____)

ORDER TO SHOW CAUSE

Pursuant to the status conference held on December 20, 2005, the
Order Granting Plaintiffs' Motion for a Preliminary Injunction, filed September 7,
2005, the Supplement to Order Granting Plaintiffs' Motion for a Preliminary
Injunction, filed October 6, 2005, and the Ninth Circuit's affirmation of this

Court's granting of the preliminary injunction, filed December 12, 2005, this Court ordered Defendant Hui Malama I Na Kupuna O Hawai'i Nei ("Hui Malama") to file and serve under seal the following information:

- a) A full and specific inventory of each and every item loaned to it by the Bishop Museum;
- b) The precise location of each and every item loaned to it by the Bishop Museum. The location must be described in as much detail as possible. For example, by providing a map with a legend depicting exactly which items are in which caves, and/or on an item by item basis, delineating whether the item is in a cave, identifying the name of the cave, and providing the GPS coordinates for that cave. If the item is not located in a cave, Hui Malama shall provide the location for that item. Also, to the extent possible, for items that are buried in a cave, Hui Malama shall note whether the item is buried on, under, or near human remains; and
- c) The names and addresses of each person who has knowledge of the exact location of any of the items.

(Order Setting Compliance Dates.)

On December 21, 2005, at 3:50 p.m., Hui Malama filed a Submission Pursuant to December 20, 2005 Order, with the declarations of Edward Halealoha Ayau, Pualani Kanaka'ole Kanahale, Kahu Charles Kauluwehi Maxwell, William Aila, Antoinette Freitas, attached, and three exhibits, which were filed under seal. However, as admitted by Mr. Ayau in his declaration, Hui Malama's submission,

including the sealed exhibits, did not comply with this Court's December 20, 2005 Order Setting Compliance Dates. Indeed, Mr. Ayau specifically testifies that he is the Executive Director of Hui Malama, he reviewed this Court's Order Setting Compliance Dates and the September 7, 2005 preliminary injunction order, and that "Hui Malama's board voted in an emergency meeting to not disclose the names of those who ceremonially reinterred the *iwi kūpuna* and *moepū* and the precise location of each of the 83 *moepū* within each of the two Kawaihae burial caves." (Ayau Decl. ¶¶ 6, 1, 3.) This Court hereby finds that Hui Malama's submission did not comply with the December 20, 2005 Order since it did not include the precise location of each and every item loaned to it by the Bishop Museum as described in the order, or the names and addresses of each person who has knowledge of the exact location of any of the items.

Accordingly, this Court HEREBY ORDERS and summons each of the following persons to appear in person for a hearing to show cause why they should not be held in contempt of court for failing to comply with this Court's Order Settling Compliance Dates:

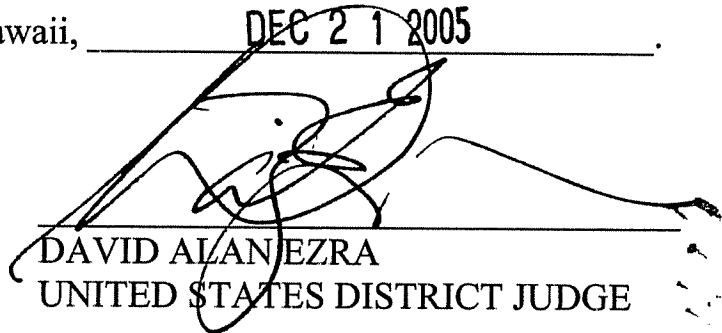
- 1) Each member of the Board of Directors of Hui Malama;
- 2) Edward Halealoha Ayau;
- 3) Pualani Kanaka'ole Kanahele;

- 4) Kahu Charles Kauluwehi Maxwell;
- 5) William Aila; and
- 6) Antoinette Freitas.

As the Court recognizes that many of those persons summoned reside on islands other than Oahu and that due to the holiday and short notice, travel by tomorrow may be difficult, if not impossible, the Court hereby sets the hearing to show cause for Tuesday, December 27, 2005, at 10:00 a.m. Each of the above named persons are hereby summoned to appear in person at this Court on Tuesday, December 27, 2005, at 10:00 a.m.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, DEC 21 2005



DAVID ALAN EZRA
UNITED STATES DISTRICT JUDGE

Na Lei Alii Kawanānakoā, et al. vs. Bishop Museum, et al., Civil No. 05-00540
DAE-KSC; ORDER TO SHOW CAUSE