

01/10/1991 17:07 FROM KHONNEWS

TO 8558850

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Of Counsel:  
SCHUTTER & GLICKSTEIN

DAVID C. SCHUTTER 904  
PAUL D. HICKS 5204  
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567 South King Street  
Honolulu, Hawaii 96813  
Telephone: 524-4600

Attorneys for Plaintiff

1ST CIRCUIT COURT  
STATE OF HAWAII  
FILED

591 JUN 10 P 4:08

T. WONG  
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

FRANK F. FASI,

Plaintiff,

vs.

IAN LIND, BURNHAM BROADCASTING  
COMPANY, a Limited Partnership,  
JOHN DOES 1-25, JANE DOES  
1-25, DOE PARTNERSHIPS 1-25,  
DOE CORPORATIONS 1-25 and  
DOE UNINCORPORATED ASSOCIATIONS  
1-25,

Defendants.

CIVIL NO. 91-0116-01  
(Defamation)

COMPLAINT; DEMAND FOR JURY  
TRIAL; SUMMONS

COMPLAINT

Plaintiff FRANK F. FASI, through his undersigned  
counsel, alleges as follows:

1. Plaintiff FRANK F. FASI, is and was at all times  
material herein, a resident of the City and County of Honolulu,  
State of Hawaii.

2. Defendant IAN LIND, is and was at all times  
material herein, a resident of the City and County of Honolulu,  
State of Hawaii.

WONG

3. Defendant BURNHAM BROADCASTING COMPANY is a limited partnership organized under the laws of the State of Delaware with its principal place of business in Chicago, Illinois.

4. Defendant BURNHAM BROADCASTING COMPANY owns and operates television station KHON in Honolulu, Hawaii. KHON is watched and listened to by persons throughout the State of Hawaii. Hereinafter, Defendant BURNHAM BROADCASTING COMPANY is referred to as "KHON" or "KHON television."

5. JOHN DOES 1-25, JANE DOES 1-25, DOE PARTNERSHIPS 1-25, DOE CORPORATIONS 1-25 and DOE UNINCORPORATED ASSOCIATIONS 1-25 are sued herein under fictitious names for the reason that their true names and identities are presently unknown to Plaintiff FRANK F. FASI, except that they are connected in some manner with the named Defendants and are the agents, servants, employees, vendors, suppliers, manufacturers, subcontractors or subsidiaries of the named Defendants and/or were in some manner presently unknown to Plaintiff FRANK F. FASI engaged in the activities alleged herein, and/or were in some manner responsible for the injuries or damages to Plaintiff FRANK F. FASI and/or conducted some activity in a negligent, reckless or intentional manner, which negligent, reckless or intentional conduct was the proximate cause of the injuries and damages to Plaintiff FRANK F. FASI and/or in some other manner are related to the named Defendants and that their true names, identities,

capacities, activities, and/or responsibilities are presently unknown to Plaintiff FRANK F. FASI or his attorney. Reference hereinafter to a named Defendant is also an allegation against all unidentified Defendants. Plaintiff prays leave to amend this Complaint to allege the true names and/or capacities of the Defendants set forth in this paragraph when the same are ascertained.

6. On or about January 8, 1991, KHON television broadcast a report concerning government corruption, illegal campaign contributions, and influence peddling. The report charged that certain well-known persons may have made illegal contributions to the mayoral campaign of Plaintiff FRANK F. FASI. The report contained excerpts of a videotape interview with Defendant IAN LIND, in which Defendant LIND stated that "if you allow the appearance of this kind of corruption to continue, then there's no reason for people to take part in the democratic process because they can see, at least in all appearances, its rigged."

7. The statements made by Defendant IAN LIND and broadcast by KHON television were made of and concerning Plaintiff FRANK F. FASI and were so understood by a substantial number of those persons who heard them.

8. The statements made by Defendant IAN LIND and broadcast by KHON television are false.

9. The statements made by Defendant IAN LIND and broadcast by KHON television are libelous, slanderous, and defamatory per se because the statements impute corrupt conduct, criminality, and moral turpitude to Plaintiff FRANK F. FASI and otherwise expose him to hatred, contempt and ridicule and defamation of character. Defendant LIND's use of the term "corruption" is clearly defamatory per se as Funk & wagnall's New Comprehensive International Dictionary of the English Language defines "corrupt" as meaning "of a perverted character; depraved." and "dishonest; given to bribery;" and "corruption" as meaning "the act of corrupting, or the state of being corrupted."

10. Defendant IAN LIND made the defamatory statements, and KHON television broadcast them, either with knowledge that the statments were false or in reckless disregard for whether the statements were true or false.

11. Defendant IAN LIND and KHON television intended and/or knew and/or should have known that the statements concerning Plaintiff FRANK F. FASI would have serious effects upon his personal reputation, family life, and his personal, professional, business and civic activities; that such statements would be heard by a large number of persons and be repeated by persons who heard or learned of the statements; and that gossip, reports, and rumors would result naturally and proximately therefrom.

12. Plaintiff FRANK F. FASI has at all times enjoyed an excellent reputation. By reason of the publication of the defamatory statements, Plaintiff FRANK F. FASI was greatly injured in his reputation, and suffered and continues to suffer severe and extreme emotional distress and other general and special damages as will be proved at trial.

13. The conduct of Defendants as described herein evidences a spirit of mischief or criminal indifference to civil obligations or that entire want of care which raises a presumption of a conscious indifference to the consequences of their actions and therefore, justifies the imposition of punitive damages.

WHEREFORE, Plaintiff FRANK F. FASI prays that judgment be entered in his favor against Defendants herein, jointly and severally, as follows:

- A. For general damages in amounts to be proved at trial.
- B. For special damages in amounts to be proved at trial and in excess of the minimum required for jurisdiction by this Court.
- C. For punitive damages.
- D. For attorneys' fees, costs of suit, prejudgment

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT  
STATE OF HAWAII

FRANK F. FASI, ) CIVIL NO. \_\_\_\_\_  
 ) (Defamation)  
 Plaintiff, )  
 ) DEMAND FOR JURY TRIAL  
 vs. )  
 )  
 IAN LIND, BURNHAM BROADCASTING )  
 COMPANY, a Limited Partnership, )  
 JOHN DOES 1-25, JANE DOES )  
 1-25, DOE PARTNERSHIPS 1-25, )  
 DOE CORPORATIONS 1-25 and )  
 DOE UNINCORPORATED ASSOCIATIONS )  
 1-25, )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues so  
triable herein.

DATED: Honolulu, Hawaii, January 10, 1991.

David C. Schutte  
DAVID C. SCHUTTER  
PAUL D. HECKS

Attorneys for Plaintiff

interest, and such other relief, both legal and equitable, as this Court deems just and proper within the jurisdictional limits of this Court.

DATED: Honolulu, Hawaii, January 14, 1991

David C. Schutter  
DAVID C. SCHUTTER  
PAUL D. HICKS

Attorneys for Plaintiff

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT  
STATE OF HAWAII

FRANK F. FASI, ) CIVIL NO. \_\_\_\_\_  
 ) (Defamation)  
Plaintiff, )  
 ) SUMMONS  
vs. )  
 )  
IAN LIND, BURNHAM BROADCASTING )  
COMPANY, a Limited Partnership, )  
JOHN DOES 1-25, JANE DOES )  
1-25, DOE PARTNERSHIPS 1-25, )  
DOE CORPORATIONS 1-25 and )  
DOE UNINCORPORATED ASSOCIATIONS )  
1-25, )  
Defendants. )

SUMMONS

STATE OF HAWAII

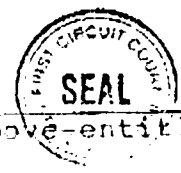
To the above named Defendant(s):

You are hereby summoned and required to serve upon  
SCHUTTER & GLICKSTEIN, Plaintiff's attorney, whose address is  
[REDACTED] 91-20, HONOLULU, HAWAII 96814.  
Hawaii 96814, an answer to the Complaint which is herewith  
served upon you, within 20 days after service of this summons  
upon you, exclusive of the day of service. If you fail to do  
so, judgment by default will be taken against you for the  
relief demanded in the Complaint.

JAN 10 1991

DATED: Honolulu, Hawaii, \_\_\_\_\_

T. WONG  
Clerk of the above-entitled Court



## MEMORANDUM

TO: IAN LIND  
FROM: CLAYTON C. IKEI  
SUBJECT: PROPOSED STATEMENT FOR PRESS  
DATE: January 11, 1991

## LIND:

1. I stand by my statement;
2. The lawsuit is without merit;
3. Appears to be an attempt to silence the Hawaii Monitor

## IKEI:

1. This lawsuit can only be justified as a clear attempt to silence Mr. Lind;
2. Other than that, the lawsuit is frivolous and deserves a counter-suit on Mr. Lind's part for abuse of process;
3. We will not file such a countersuit until we are satisfied that the major was motivated by more than stupidity in filing the lawsuit.
4. In the event that we verify that the Mayor's action was based upon improper motives, then we will consider a countersuit;
5. Mr. Lind in the many years of his work has never made any public statement, to the press, or otherwise, that he could not prove;
6. We don't intend to depart from that course of conduct and file a countersuit until we have established that it is warranted;
7. In a sense, the lawsuit is stupid because the major has opened up his campaign to public scrutiny and disclosure which we expect will not only prove that Mr. Lind's statements were true but further were in the public interest.

MEMORANDUM

TO: IAN LIND  
FROM: CLAYTON C. IKEI  
SUBJECT: REVISED PROPOSED STATEMENT FOR PRESS  
DATE: January 11, 1991

LIND:

1. I stand by my statement; *echoes train of Supreme Court case*
- ~~2. The lawsuit is without merit; ~~there are reasons~~.~~
3. Appears to be an attempt to silence the Hawaii Monitor
4. In putting out the Hawaii Monitor, I have always attempted to be non-partisan.

IKEI:

1. This lawsuit is without merit and deserves consideration of a counter-suit on Mr. Lind's part for abuse of process;
2. We will not file such a countersuit until we are satisfied that the mayor was motivated by more than stupidity in filing his lawsuit.
3. In the event that we verify that the Mayor's action was based upon improper motives, than we will consider a countersuit;
4. Mr. Lind in the many years of his work has never made any public statement, to the press, or otherwise, that he could not prove;
5. We don't intend to depart from that course of conduct and file a countersuit until we have established that it is warranted;
6. In a sense, the lawsuit is ill-advised, because the mayor has opened up his campaign practices to public scrutiny and disclosure which we expect will prove that Mr. Lind's statements were not only true but further were in the public interest.

Clayton + Kei 623-3711

# SCHUTTER & GLICKSTEIN

DAVID C. SCHUTTER  
ATTORNEY AT LAW  
A LAW CORPORATION

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567 SOUTH KING ST.  
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HAWAII 96913  
PH. (808) 524-4800  
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DAVID C. SCHUTTER  
HOWARD GLICKSTEIN  
A LAW CORPORATION

## PRESS RELEASE

Re: Frank Fasi v. Lind, Burnham Broadcasting Company, et al.  
Civil No. 91-0116-01.

Mayor Frank F. Fasi today announced through his attorney, David C. Schutter, that he has filed a voluntary dismissal, without prejudice, of the defamation suit he had filed against KHON Channel 2 television and Ian Lind. Through Schutter, Fasi stressed that he is dismissing the suit reluctantly, but is concerned about the excessive drain on his schedule, pursuing the suit at this time would entail. Fasi said the dismissal is not because of any legal difficulties with the suit. The Mayor stated that Schutter has advised him that it could take as long as two years to get the matter to trial, therefore, a substantial amount of the Mayor's time might be taken up with pretrial and trial proceedings during the next election. The Mayor indicated that should the conduct of Lind and KHON continue, he is legally free to refile the suit anytime within the two year statute of limitations.

○  
DAVID C. SCHUTTER

TO: IAN LIND  
FROM: CLAYTON C. IKEI  
SUBJECT: PROPOSED RESPONSE TO DISMISSAL  
DATE: January 15, 1991

PRESS RELEASE IN RESPONSE TO DISMISSAL

LIND:

1. Repeat my prior statement that my statement which apparently caused the mayor to sue me was truthful and accurate;
2. By his dismissal, the mayor has prevented me from not only defending my statement, but securing information about his campaign practices to establish what my lawyer previously stated, that my statement was not only true but in the public interest.
3. I am concerned with the last sentence of the press release in which the mayor states that should my conduct continue, he reserves the right to sue anytime within the next two years;
4. My conduct will continue and the mayor by his statement apparently is interested in intimidating me from continuing to investigate campaign fundraising abuses, on a non-partisan basis.

*bullying*

IKEI:

1. Regret that the mayor has chosen to deprive Mr. Lind of defending against a lawsuit that was obviously frivolous;
2. In the 15 years of my own practice, this is the first time the other side has filed a lawsuit against and client and deprived me of the opportunity to respond and to possibly file a countersuit.
3. The lawsuit was not only frivolous, but clearly would have ended up in trial, as there would not have been a settlement on Mr. Lind's part;
4. Priviously I had expressed my concern to Mr. Lind that I hoped that the mayor would show up for trial; apparently, he has chosen not to appear.

CLAYTON C. IKEI  
CAROL GRELL

LAW OFFICE OF  
**CLAYTON C. IKEI**  
A LAW CORPORATION

TELEPHONE (808) 533-3777  
FACSIMILE (808) 521-7245

FIRST INSURANCE CENTER  
1100 WARD AVENUE, SUITE 1065  
HONOLULU, HAWAII 96814

January 24, 1991

Mr. Ian Lind  
Hawaii Monitor  
P. O. Box 605  
Ka'a'awa, Hawaii 96730

Hawaii Monitor      A 291

Date	Action	Time	Amount
1/10/91	*Conference with: KHON	2.00	250.00
1/10/91	*Document Review: tape and complaint	1.00	125.00
1/11/91	*Document Preparation of: press release	1.50	187.50
1/11/91	*Telephone Conference with: client	1.00	125.00
1/11/91	*Conference with: Press	1.50	187.50
1/14/91	*Telephone Conference with: client	0.40	50.00
1/14/91	*Conference with: pick up tape	0.50	62.50
1/15/91	*Document Review: press	0.50	62.50
1/15/91	*Telephone Conference with: client	1.00	125.00
1/15/91	*Conference with: client and press	1.00	125.00
	Clayton C. Ikei...	10.40	1300.00
Total Time:	10.40 hrs.		
	Services this Period:	\$	1300.00
	*Tax: (4.00 %)	\$	52.00
	AMOUNT NOW DUE:	\$	1352.00