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A Law Firm  
Concentrating On

- Personal Injury Claims
- Wrongful Job Termination
- Civil Litigation
- Employment Actions

February 22, 2019

*Via Hand Delivery Only*

Josiah K. Sewell  
ODC  
201 Merchant Street, Ste. 1600  
Honolulu, Hawai'i 96813

Re: ODC 18-0339  
James F. Evers, Complainant

Dear Mr. Sewell:

I represent Dexter Kaiama in the above-referenced ODC matter.

The ethical claim by James F. Evers is frivolous.

While I agree aspersions to Mr. Evers' character may not be helpful, I would ask you to consider the fact that Mr. Evers is an attorney who is suing Mr. Kaiama in a civil matter in his role with the State and had his filing stricken by Judge Jeffrey P. Crabtree, although with a right to refile his civil complaint against Mr. Kaiama.

The Scope of the Rules of Professional Conduct [7], observes: "Furthermore, the purpose of the Rules can be **subverted** when they are invoked by opposing parties as procedural weapons."

Mr. Evers is upset that his case got dismissed and he needs to refile if he seriously intends to proceed against Mr. Kaiama in a weak case.

Please note that allegations of HRS § 480E-13 violations (initially incorrectly asserted and plead by Mr. Evers as HRS §480E-15 violations) were challenged in Mr. Evers' civil action as being an unconstitutional legislative enactment. Though Mr. Evers' civil action was dismissed, the unconstitutional challenge to the statute remains.

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DATE: <u>2/22/19</u> , TIME: <u>1:23 p.m.</u>
CASE NO.: _____
DKT. NO.: _____
CLERK: <u>Pj</u>