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Attorneys for Defendants
SCOTT T. NAGO, STATE OF HAWAII 2011
REAPPORTIONMENT COMMISSION,
VICTORIA MARKS, LORRIE LEE STONE,
ANTHONY TAKITANI, CALVERT CHIPCHASE IV,
ELIZABETH MOORE, CLARICE Y. HASHIMOTO,
HAROLD S. MASUMOTO, DYLAN NONAKA, and
TERRY E. THOMASON

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JOSEPH KOSTICK; KYLE MARK
TAKAI; DAVID P. BROSTROM;
LARRY S. VERAY; ANDREW
WALDEN; EDWIN J. GAYAGAS;
ERNEST LASTER and JENNIFER
LASTER

Plaintiffs,

vs.

SCOTT T. NAGO, in his official
capacity as the Chief Election Officer

Civil No. CV 12-00184 JMS-LEK-
MMM

RESPONSE TO PLAINTIFFS'
CONCISE STATEMENT OF
MATERIAL FACTS

State of Hawaii; STATE OF HAWAII
2011 REAPPORTIONMENT
COMMISSION, VICTORIA MARKS,
LORRIE LEE STONE, ANTHONY
TAKITANI, CALVERT CHIPCHASE
IV, ELIZABETH MOORE, CLARICE
Y. HASHIMOTO, HAROLD S.
MASUMOTO, DYLAN NONAKA,
and TERRY E. THOMASON, in their
official capacities of members of the
State of Hawaii 2011 Reapportionment
Commission; and DOE DEFENDANTS
1-10,

Defendants.

RESPONSE TO PLAINTIFFS' CONCISE STATEMENT
OF MATERIAL FACTS

Defendants do not contest the facts set forth in Plaintiffs' Concise Statement of Material Facts, as the majority of facts are either stipulated facts, are not disputable, or are irrelevant. Defendants do object to Plaintiffs' characterizations of the evidence and their assertions of conclusions based on the facts. Specifically, Defendants object to the third sentence of Fact 33, in that it is a conclusion of law, not a fact: "Because the statewide deviations exceed 10%, the Plan is 'prima facie discriminatory and must be justified by the state.'"

DATED: Honolulu, Hawaii, October 29, 2012.

STATE OF HAWAII

DAVID M. LOUIE
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/s/ John F. Molay

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