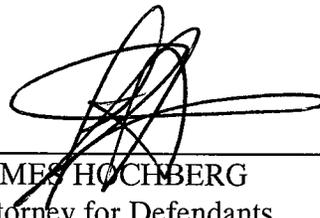


NOTICE OF APPEAL

Notice is hereby given that Defendants ONE LOVE MINISTRIES and CALVARY CHAPEL CENTRAL OAHU, by and through their attorneys, James Hochberg and Erik Stanley, pursuant to section 641-1, Hawai‘i Revised Statutes, and Rule 3 of the Hawai‘i Rules of Appellate Procedure, appeal to the Intermediate Court of Appeals of the State of Hawai‘i from the interlocutory decision of the Circuit Court granting in part and denying in part Defendants’ Motion to Dismiss First Amended Complaint, filed herein on September 30, 2014, and attached hereto as Exhibit “A”, and the interlocutory decision of the Circuit Court granting Relators’ Motion for Reconsideration of Oral Ruling, filed herein on October 14, 2014, and attached hereto as Exhibit “B”.

DATED: Honolulu, Hawai‘i, December 4, 2014.



JAMES HOCHBERG
Attorney for Defendants
ONE LOVE MINISTRIES and
CALVARY CHAPEL CENTRAL OAHU

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

2014 SEP 30 AM 11:06

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Attorneys for Defendants
ONE LOVE MINISTRIES and
CALVARY CHAPEL CENTRAL OAHU

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

THE STATE OF HAWAII,
Ex. Rel.
MITCHELL KAHLE and HOLLY HUBER,

Plaintiffs,

v.

ONE LOVE MINISTRIES; CALVARY
CHAPEL CENTRAL OAHU; DOE ENTITIES 1-
50; JOHN DOES 1-50; and JANE DOES 1-50,

Defendants.

) CIVIL NO. 13-1-0893-03 VLC
) (Other Civil Action)

) **ORDER GRANTING IN PART AND**
) **DENYING IN PART DEFENDANTS'**
) **APRIL 1, 2014 MOTION TO DISMISS**
) **FIRST AMENDED COMPLAINT FILED**
) **FEBRUARY 20, 2014**

) HEARING:
) Date: Tuesday, May 27, 2014
) Time: 9:00 a.m.
) Judge: Hon. Virginia L. Crandall

EXHIBIT "A"

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS'
APRIL 1, 2014 MOTION TO DISMISS FIRST AMENDED COMPLAINT
FILED FEBRUARY 20, 2014**

Defendants One Love Ministries and Calvary Chapel Central Oahu's ("Defendants") Motion to Dismiss First Amended Complaint filed February 20, 2014, filed on April 1, 2014 (the "Motion"), came on for hearing on May 27, 2014 at 9:00 a.m. before the Honorable Virginia L. Crandall. Erik Stanley and James Hochberg appeared on behalf of Defendants. James J. Bickerton and Stephen M. Tannenbaum appeared on behalf of Plaintiffs/Relators Mitchell Kahle and Holly Huber.

The Court, having considered the Motion, the memoranda submitted by the parties, the arguments of counsel and the pleadings and filings herein, IT IS HEREBY ORDERED:

The Motion is GRANTED IN PART and DENIED IN PART, as follows:

1. The Motion is denied insofar as it is made pursuant to Hawaii Rule of Civil Procedure ("HRCP"), Rule 12(b)(1) because the Court concludes that, based on recent case law and the reasoning of *U.S. ex rel. Harman v. Trinity Industries*, Case No. 2:12-CV-00089-JRG, 2014 WL 47258 (E.D. Tex. Jan. 6, 2014), Defendants' arguments on this issue relate to their affirmative defenses instead of jurisdiction under HRCP Rule 12(b)(1). With respect to Defendants' argument made under HRCP Rule 12(b)(1) that the Court does not have subject matter jurisdiction, the Court denies the Motion.

2. With regard to Defendant One Love Ministries, all claims and allegations contained in the First Amended Complaint based on the 2009 Agreement between One Love Ministries and Kaimuki High School, and/or its predecessor Agreement, and the information disclosed in the letter from Defendant One Love Ministries to the Department of Education and Board of Education dated October 10, 2012, and its attachment (Exhibit "D" to Defendants' Motion to Dismiss), are dismissed under HRCF Rule 12(b)(6), with prejudice, pursuant to the public disclosure bar in Hawaii Revised Statutes § 661-31 and the reasoning stated in *U.S. v. Bank of Farmington*, 166 F.3d 853 (7th Cir. 1999), in that the October 12, 2012, disclosure was a public disclosure made by One Love Ministries to a managerial government official with decision making power and actual authority over the issues pertaining to the 2009 Agreement between One Love Ministries and Kaimuki High School, bringing it within the holding of *Bank of Farmington*. The Court further concludes that consideration of Exhibit "D" does not take the motions outside of review of under HRCF 12(b)(6) due to a reference to said letter in the Amended Complaint.

3. In all other respects with regard to Defendant One Love Ministries, the Motion is denied pursuant to HRCF Rule 12(b)(6), as the remaining claims and allegations in the First Amended Complaint sufficiently state a claim against One Love Ministries because Relators have independent knowledge that materially adds to the publicly disclosed allegations or transaction that are set forth in the First Amended Complaint.

4. The Motion is denied pursuant to HRCF Rule 12(b)(6) in all respects with regard to Defendant Calvary Chapel, as the First Amended Complaint sufficiently states a claim against

Calvary Chapel because Relators have independent knowledge that materially adds to the publicly disclosed allegations or transaction that are set forth in the First Amended Complaint.

DATED: Honolulu, Hawai'i,

SEP 30 2014

VIRGINIA LEA CRANDALL



Judge of the above-entitled Court

APPROVED AS TO FORM:

JAMES J. BICKERTON

STEPHEN M. TANNENBAUM

Attorneys for Relators

MITCHELL KAHLE and HOLLY HUBER

Civil No. 13-1-0893-03 VLC, *State of Hawai'i ex rel. Mitchell Kahle and Holly Huber v. One Love Ministries, et al.*; **ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' APRIL 1, 2014 MOTION TO DISMISS FIRST AMENDED COMPLAINT FILED FEBRUARY 20, 2014**

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Attorneys for Relators
MICHELL KAHLE and HOLLY HUBER

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

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F. OTAKE
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

THE STATE OF HAWAI'I,
Ex. Rel.
MITCHELL KAHLE and HOLLY HUBER,

Plaintiffs,

v.

ONE LOVE MINISTRIES; CALVARY
CHAPEL CENTRAL OAHU; DOE
ENTITIES 1 -50; JOHN DOES 1-50; and
JANE DOES 1-50,

Defendants.

CIVIL NO. 13-1-0893-03 VLC
(Other Civil Action)

**ORDER GRANTING RELATORS'
"MOTION FOR RECONSIDERATION OF
ORAL RULING" FILED MAY 30, 2014**

HEARING:

Date: Non-hearing Motion

Judge: Hon. Virginia L. Crandall

No Trial Date

**ORDER GRANTING RELATORS' "MOTION FOR
RECONSIDERATION OF ORAL RULING" FILED MAY 30, 2014**

WHEREAS, Defendants One Love Ministries and Calvary Chapel Central Oahu ("Defendants"), on April 1, 2014, filed a Motion to Dismiss Relators' First Amended Complaint (the "Motion to Dismiss"), which came on for hearing on May 27, 2014 at 9:00 a.m. before the Honorable Virginia L. Crandall, with Erik Stanley and James Hochberg appearing on behalf of

EXHIBIT "B"

Defendants and James J. Bickerton and Stephen M. Tannenbaum appearing on behalf of Plaintiffs/Relators Mitchell Kahle and Holly Huber (“Relators”); and

WHEREAS, the Court, having considered Defendants’ Motion to Dismiss, the memoranda submitted by the parties, the arguments of counsel and the pleadings and filings herein, granted Defendants’ Motion to Dismiss, first, per its oral ruling on May 27, 2014 (the “Oral Ruling”) and, second, per its written Order dated September 30, 2014; and

WHEREAS, on May 30, 2014, three days after said hearing and Oral Ruling, Relators filed a “Motion for Reconsideration of Oral Ruling,” which sought reconsideration of one specific aspect of the Court’s Oral Ruling of May 27, 2014 that was based on the Court’s application of the case *U.S. v. Bank of Farmington*, 166 F.3d 853 (7th Cir. 1999); and

WHEREAS, since Realtor’s Motion for Reconsideration of Oral Ruling was a non-hearing motion, no hearing was held before the Court on the Motion for Reconsideration of Oral Ruling and no appearances were made by counsel;

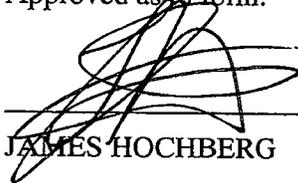
Therefore, based on the memoranda submitted by counsel on Relators’ Motion for Reconsideration of Oral Ruling, and the pleadings and filings herein, the Court concludes that Relators’ argument regarding *Bank of Farmington* was correct in that the *Bank of Farmington* Court ruled that the disclosure was made in the course of a government investigation, and, consequently, Relators’ Motion for Reconsideration of Oral Ruling filed May 30, 2014 is hereby GRANTED, as follows:

1. Paragraph two of the Court’s September 30, 2014 Order is stricken and the paragraphs of that Order renumbered accordingly; and

2. All other aspects of the Court's September 30, 2014 Order remain unaffected and in full force.

DATED: Honolulu, Hawai'i, October 9, 2014.

Approved as to form:



JAMES HOCHBERG

Attorney for Defendants ONE LOVE MINISTRIES
and CALVARY CHAPEL CENTRAL OAHU

APPROVED AND SO ORDERED:

VIRGINIA LEA CRANDALL



Judge of the Above-Entitled Court

***Kahle, et al. v. One Love Ministries, et al.*; CIVIL NO. 13-1-0893-03 VLC; ORDER GRANTING RELATORS' "MOTION FOR RECONSIDERATION OF ORAL RULING" FILED MAY 30, 2014.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date of filing, a copy of Defendants One Love Ministries and Calvary Chapel Central Oahu's Notice of Appeal; Exhibits "A" and "B"; Certificate of Service, was served upon the following parties, in the manner indicated below:

JAMES J. BICKERTON
STEPHEN M. TANNENBAUM
BICKERTON DANG
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745 Fort Street, Suite 801
Honolulu, Hawaii 96813

Via Hand Delivery

Attorneys for Relators
MITCHELL KAHLE and HOLLY HUBER

MICHAEL S. VINCENT
Deputy Attorney General
State of Hawaii
Department of Attorney General
425 Queen Street
Honolulu, Hawai'i 96813

Via Hand Delivery

DATED: Honolulu, Hawai'i, December 4, 2014.



JAMES HOCHBERG
Attorney for Defendants
ONE LOVE MINISTRIES and
CALVARY CHAPEL CENTRAL OAHU