

ORIGINAL

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UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

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8 IN THE UNITED STATES DISTRICT COURT

9 IN THE STATE OF HAWAII

10 Case No. CV18 00379 JMSKSC

11 Timothy Chey,

12 Plaintiff

13 vs.

14 HAWAII FILM OFFICE, BENITA

15 BRAZIER, DONNE DAWSON,

16 DOES 1-10,

17 DEFENDANTS

18 COMPLAINT FOR DAMAGES

- 19 1) FRAUD AND DECEIT
- 20 2) BREACH OF IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING
- 21 3) VIOLATION OF CIVIL RIGHTS
42 U.S.C. § 1983 [Free Speech]
42 U.S.C. §1983 [Equal Protection]
- 22 4) INTERFERENCE WITH PROSPECTIVE BUSINESS ADVANTAGE
- 23 5) BREACH OF WRITTEN CONTRACT
- 24 6) INTENTIONAL MISRESPRESENTATION
- 25 7) NEGLIGENT MISREPRESENTATION
- 26 8) PROMISSORY FRAUD
- 27 9) BREACH OF IMPLIED CONTRACT
- 28 10) QUANTUM MERUIT
- 11) NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
- 12) INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
- 13) CIVIL CONSPIRACY
- 14) UNFAIR COMPETITION
- 15) PROMISSORY ESTOPPEL
- 16) BREACH OF ACCOUNTING
- 17) DECLARATORY RELIEF
- 18) UNJUST ENRICHMENT
- 19) PREMLINARY AND PERMANENT INJUNCTION
- 20) WRIT OF ATTACHMENT

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DEMAND FOR A JURY TRIAL

Plaintiff (Filmmaker), an individual, as for his Complaint against DEFENDANTS HAWAII FILM OFFICE, BENITA BRAZIER, DONNE DAWSON, inclusive demands a jury trial and alleges as follows:

JURISDICTION AND VENUE

1. The United States District Court for the District of Hawaii has jurisdiction over this matter pursuant to 28 U.S.C., Section 1332. The amount in controversy in this case, exclusive of interest and costs, exceeds \$75,000. Venue is proper in this District pursuant to 28 U.S.C., Section 1391
2. The United States District Court for the District of Hawaii also has jurisdiction over this matter as Plaintiff's claim arises under diversity of citizenship. Plaintiff resides in California and Defendants reside in Hawaii.

PARTIES

3. Plaintiff Tim Chey is a well-respected attorney, film producer, Harvard/USC alumnus. He has been on Fox Morning News, NBC News, and his work has been seen on MSNBC, the Wall Street Journal, LA Times, CNN, and Today Show.
4. Plaintiff has never filed a lawsuit against a governmental agency in any state.
5. Plaintiff is informed and believe that, and thereon alleges, that defendants are Hawaii residents.
6. Defendant Hawaii Film Office is a state government agency.
7. Defendant Benita Brazier is a state employee and, Plaintiff believes, acted outside the scope of her agency.

1 8. Defendant Donne Dawson is a state employee, and Plaintiff believes, acted outside the
2 scope of her agency.

3
4 **INTRODUCTION**

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6 9. According to The Center for Public Integrity, the State of Hawaii received a D+ overall
7 grade for integrity of government; NPR says the State of Hawaii is considered the most
8 corrupt government of all 50 states; and finally, in a recent poll, people believe Hawaii is
9 run like a 'Third-World country'.

10 10. Is it any wonder then that the Defendant Hawaii Film Office has committed overt and
11 stark fraud by not honoring its 20% rebate that it advertised to faith-based filmmaker Tim
12 Chey in inducing Filmmaker to film in Hawaii?

13 11. Filmmaker is a Harvard and USC alumnus, attorney, producer of 12 feature films and
14 returned all the required papers with military precision. Anything less is a complete
15 fraudulent and false narrative from of all the Defendants collectively.

16 12. Filming in Hawaii was the absolute worst experience Plaintiff (Filmmaker) ever dealt
17 with in 22 years and 12 movies, including 'Freedom' (Cuba Gooding, Jr., Sharon Leal)
18 for Showtime TV and 'Slamma Jamma' (Michael Irvin, Jose Canseco) for Sony Pictures.

19 13. Defendants, including the Hawaii Film Office, deceived Filmmaker multiple times,
20 showing the most astonishing ineptness and behavior in giving out classified information
21 to crew members, refusing to honor the 20% rebate by literally stating all the receipts,
22 pay stubs of crew and cast are invalid. This reprehensible conduct is for no other reason
23 than to 'teach' the Filmmaker a lesson for possibly making a faith-based film about
24 Native Hawaiian history.

25 14. The Defendants blatantly lied, hid, conspired, slandered, and finally sabotaged
26 Filmmaker in receiving the 20% rebate.

27 15. Filmmaker is asking the Honorable Court and the trial jury for \$100 million in punitive
28 damages from each of the Defendants collectively or separately.

- 1 16. Filmmaker intends through full and complete discovery - including interrogatories,
2 depositions of each party and other film producers and possible motions to compel - to
3 ascertain why they have mistreated the Filmmaker from day one and now refuse to issue
4 the rebate which is very small and nominal compared with the big Hollywood movies.
- 5 17. Imagine the incredible audacity: The Defendants treated Filmmaker with complete
6 contempt when his whole mission was to honor the memory of a brave Hawaiian queen,
7 and in doing so, casted over 98% of Native Hawaiian/Polynesians in his cast.
- 8 18. Attorney and Filmmaker Tim Chey is a well-respected attorney, philanthropist, film
9 producer, and director of 12 films with two Academy-Award winning actors.
- 10 19. Chey is one of the top faith-based writer/directors in the U.S. of 12 feature films,
11 including 'David and Goliath' (Jerry Sokolosky) filmed in North Africa and London,
12 'The Genius Club' (Tom Sizemore, Stephen Baldwin, Tricia Helfer) 'Suing the Devil'
13 (Malcolm McDowell, Tom Sizemore, Corbin Bernsen), 'Freedom' (Cuba Gooding, Jr.,
14 Sharon Leal, William Sadler), Fakin' Da Funk (Pam Grier, Bo Jackson, Ernie Hudson),
15 "Slamma Jamma" (Michael Irvin, Jose Canseco), and 'The Islands' (John Savage, Mira
16 Sorvino).
- 17 20. Chey has made guest appearances on Fox Morning News, NBC, TBN, and other national
18 TV shows. His work has been disseminated in the Wall Street Journal, NY Times, LA
19 Times, Roger Ebert, CNN, ABC Family, Lifetime, USA Networks, TRU, History
20 Channel, and over 100 more media outlets.
- 21 21. Filmmaker declares, under the penalty of perjury, that he has never been sued or sued any
22 government agency. He also declares again Defendants were the most incompetent
23 governmental film employees he has ever worked with in his 22 years and 12 movies in
24 the industry.
- 25 22. Plaintiff is also a Consumer Advocate who is filing this case to protect other innocent
26 filmmakers, regardless of their beliefs or faith, from having to go through what he
27 endured.
- 28

1 23. Filmmaker was left with no alternative but to file this action in the wake of the overt and
2 repeated acts of willful and malicious actions by Defendants.

3 24. While Filmmaker loved working with the local crew, and thought the majority of them
4 were fantastic, he is exiting from making any further films in Hawaii. He believes he was
5 thoroughly sabotaged by a core group of bigoted, and quite vicious people, who disavow
6 Christianity in Hawaii.

7 25. Filmmaker suffered death threats and physical abuse at the hands of this core group of
8 people that have actively smeared Filmmaker at every turn. Plaintiff Filmmaker needs to
9 ascertain who was involved and will expand the Defendant's class once he finds out.

10 26. Defendants Benita Brazier and Donne Dawson clearly acted outside of their agency
11 capacity in denying the rebate and the Hawaii State AG should not defend them.

12 27. Plaintiff is also filing a state whistle-blower lawsuit in the State of Hawaii that the Hawaii
13 Film Office has wasted the Hawaii taxpayer's dollars by letting Hollywood studios receive
14 possibly millions of dollars in unauthorized rebates.

15 28. Plaintiff may file a complaint with the FBI to hold investigations into what occurred and
16 why Filmmaker was discriminated against in such blatant and malicious ways by Defendants
17 individually and collectively.

18
19 **STATEMENT OF FACTS**

20
21 29. On or about April 2017, Filmmaker began pre-production of one of most ambitious
22 movies on Hawaii history ever - on the lives of Chiefess Kapiolani, King Kamehameha,
23 Captain Cook, and Queen Liliuokalani.

24 30. The film made news around the world, including US News and World Report, NBC,
25 ABC, and local Hawaiian media (Hawaii News Now, Star Advertiser, KHON, KITV, et
26 al).

1 31. As the Plaintiff/Filmmaker Tim Chey is a devout Christian, the first film he wanted to put
2 into production was the compelling story of Chiefess Kapiolani who found Christ and
3 went to the top of the volcano to proclaim her new-found faith in the Lord.

4 32. Filmmaker enlisted a Native Hawaiian professor at the University of Hawaii who teaches
5 Native Hawaiian history to help research and co-write the script. Yet a core group of
6 people who oppose Christianity in Hawaii conspired against the Filmmaker. Filmmaker
7 has 'smoking-gun' evidence of this and will release this during discovery and at the trial.

8 33. Filmmaker is contemplating suing this group later in 2019 – he first wants to get this case
9 moving forward to a 2019/2020 trial.

10 34. On or about March 2017, Filmmaker decided to film 'The Islands' after being assured
11 that the Defendant Hawaii Film Office would give a 20% rebate on the budget that the
12 Film Office gives to all filmmakers. This was extremely important to the Filmmaker as
13 many production companies base their entire decision for where to film based on the
14 movie tax credits of each state. This is common industry knowledge and practice.

15 35. Also, the 20% rebate is critically important for P&A (prints and advertising) for the
16 film's exposure and marketing funds.

17 36. Had Filmmaker known that Defendants would even attempt not to reward the 20% rebate
18 because they didn't like the content of the movie, the Filmmaker's beliefs, or his
19 personality per se, Filmmaker would never have even launched such a huculean effort in
20 making the film, including casting an Academy-Award winning actress, a legendary
21 actor, and a 98% Native Polynesian cast. Filmmaker would simply have made another
22 film in another state. Filmmaker has made 12 movies in 22 years. He did not need the
23 horrific grief imposed by Defendants collectively.

24 37. It is very rare for any governmental agency to act as juvenile, vindictive, and incompetent
25 as the Hawaii Film Office. It's astonishing as Filmmaker has worked with the
26 Connecticut, Lousiana, Virginia, Fiji, California, Michigan, and North Carolina film
27 offices with absolutely no issues or problems. In fact, the Connecticut Film Office gave
28

1 Filmmaker his 30% tax rebate for 'Freedom' (Cuba Gooding, Jr., Sharon Leal, William
2 Sadler) within 30 days after the paperwork was turned in.

3 **38.** But Filmmaker again reminds the Court that the state agencies of Hawaii were given a
4 D+ for integrity and Hawaii is considered the most corrupt government of any state in the
5 U.S. This has to improve now or the \$13 billion rail program will never be finished in our
6 lifetime. This is not a slight on the hard-working Hawaii government employees, but to
7 the small vocal minorities who pride themselves on laziness and ineptness as a way of
8 life.

9 **39.** From the start of the movie until post-production, Filmmaker made the 20% rebate the
10 number one priority as he realized how significant the rebate was. It was 20% of the
11 entire budget and this was to put bread on the table of a faith-based filmmaker.

12 **40.** On or about April 2017, Filmmaker received a strange message from one of the
13 employees of the Hawaii Film Office. She said she had 'concerns' about Filmmaker's
14 movie and to call her. Filmmaker returned her call and assured her that one of his co-
15 writers was a well-respected Native Hawaiian professor at the University of Hawaii who
16 taught Native Hawaiian history.

17 **41.** Nevertheless, this is a complete violation of Filmmaker's 1st Amendment rights for a
18 government agency to inquire about the content of a movie – it's almost unheard of.
19 Imagine a California agency calling a Hollywood studio and 'inquiring' about the content
20 of the horror movie 'The Nun'. The outrage would be worldwide. This is no different.

21 **42.** Having a Hawaii state agency calling to say there's a problem with Filmmaker's
22 Christian movie reeks of 1st Amendment problems of free speech. This also further
23 confirms the outrageous conduct of a state agency – simply put, no state agency in the
24 other 49 states would do this.

25 **43.** The history of Chiefess Kapiolani's leadership brought Christianity to Hawaii. This is the
26 issue of those who oppose it. Filmmaker gets it and totally understands the hatred as
27 Jesus himself said "If they hated me, they will hate you." (John 15:18).
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- 1 **44. Nevertheless, Hawaii is officially part of the United States and must adhere to federal**
2 **laws or there will be absolute chaos. The rejection of the rebate to Filmmaker is the**
3 **beginning of the end.**
- 4 **45. Again, the film is based on a true story and anything done on the governmental level to**
5 **oppose Filmmaker is complete and total discrimination against his religion and**
6 **unequivocally violates the Filmmaker's First Amendment rights to free speech.**
- 7 **46. The events of the core group to oppose Filmmaker's telling of the history started the**
8 **entire chain-of-events as Filmmaker would not back down from making the film.**
- 9 **47. Filmmaker received death threats before and during shooting. His staff had to file police**
10 **reports to the incompetent Honolulu police who did absolutely nothing despite even**
11 **having the name of the alleged perpetrator.**
- 12 **48. Filmmaker alleges that possible elements or people in the Hawaii Film Office have also**
13 **been part of a smear campaign against many historical Hawaiian films, including**
14 **Filmmaker's movie.**
- 15 **49. In addition to death threats, Filmmaker was up against many other deep hurdles,**
16 **including union threats and Hawaiian activists who threatened to shut down the**
17 **production on numerous instances.**
- 18 **50. In over 60 emails and phone calls, Filmmaker worked diligently to make sure every**
19 **single receipt, GET tax id of every single crew member and cast member was obtained.**
- 20 **51. Filmmaker fulfilled each and every requirement methodically and precisely because he**
21 **knew the Defendant Hawaii Film Office might try something sneaky. Filmmaker even**
22 **has proof that one email mistakenly forwarded to Filmmaker showed the Defendants**
23 **were already conspiring to 'get' Filmmaker' (See Exhibit H).**
- 24 **52. This process of getting all the requirements for the Hawaii Film Office took over 13**
25 **weeks and Filmmaker calculates over 240 hours of man time.**
- 26 **53. Filmmaker is also a Harvard-educated attorney and bills at \$550 an hour. So by just**
27 **multiplying 240 x \$550 would come to \$192,000. This is how important the rebate back**
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1 from the Hawaii Film Office was to the Filmmaker and the Filmmaker asks the Court to
2 consider the \$192,000 as additional damages aside from the punitive damages.

3 **54.** Again, the Hawaii Film Office has blatantly lied in their refusal to credit the Filmmaker
4 with the 20% rebate. There is no reason, outside of their wanting to teach Filmmaker a
5 lesson, to withhold the tax certificate. Filmmaker fulfilled every requirement.

6 **55.** Filmmaker tries to show the love of Jesus to everyone he can. Should Defendants even
7 broach any issues that demean or slander Filmmaker, Filmmaker will amend this lawsuit
8 to include defamation and/or libel and slander. Filmmaker is very confident he would win
9 any Anti-Slapp Motion as he has been more than diligent in the entire application
10 process.

11 **56.** The fact that Defendants did not alert Filmmaker that he was 'lacking' in further proof of
12 receipts for more than 9 months is further proof of fraud and deceit that would later rise
13 up again on much more serious levels.

14 **57.** On or about September 2017, Filmmaker put in several calls to Defendant Brazier to
15 make sure every 'T' was crossed and every 'I' was dotted. Filmmaker wanted to make
16 sure there would be no problems with getting the 20% rebate back. This was critical as he
17 would not have filmed in Hawaii.

18 **58.** On or about September 2017, Defendant Brazier repeatedly told Filmmaker that he did
19 not need to get the GET Tax Ids for established businesses in Hawaii as they were
20 obviously paying tax to the Hawaii government.

21 **59.** This proved to be yet another misrepresentation.

22 **60.** On or about September 2018, almost a year later, Defendants Dawson and the Hawaii
23 Film Office suddenly demanded that all the GET tax IDs should be listed. This is another
24 brazen and fraudulent attempt to deny Filmmaker his just rebate. Filmmaker did, in fact,
25 list every single GET Tax ID. Somehow, they lost the paperwork or it was maliciously
26 destroyed.

27 **61.** In Defendant's one page sheet they sent to Filmmaker - that possibly took less than an
28 hour to do - not 9 months - they also said the GET Tax IDs were wrong when in fact

1 they were correct. Further proof that they were desperately trying anything to not give the
2 Filmmaker his rebate.

3 **62.** The entire one-page sheet is filled with complete wrong assumptions, numbers, and math.
4 It's like a third-grader put it together hoping this would pass and Filmmaker would go
5 away.

6 **63.** On or about October 2017 and three weeks before shooting, Defendant Brazier contacted
7 the production's UPM and gave the UPM the actual budget figures. This is a text-book
8 case of conflict of interest. The UPM knew Defendant Brazier and was never given
9 authorization to have any confidential numbers or should receive them as this person was
10 only the UPM. The production ended up firing the UPM for gross incompetence and was
11 later sued by the UPM in small claims.

12 **64.** Had Filmmaker known this conflict of interest and gross breach of privacy, he would
13 have immediately requested another contact to work with at the Hawaii Film Office,
14 because of the industry rule/code that key positions should not be filled by ANY
15 partnership team because again if one is fired, the other will quit or have to be fired as
16 well.

17 **65.** Filmmaker believes and alleges that the UPM's firing has contributed to the Hawaii Film
18 Office defrauding Filmmaker out of his rightful 20% rebate as the UPM sent a letter to
19 the office violating the confidentiality provision of her signed contract. No other true
20 professional in the industry would do this.

21 **66.** This unprofessional, sneaky, and juvenile high school conduct is another reason why
22 Filmmaker will never film in Hawaii again.

23 **67.** On or about November 2017, Filmmaker, to make sure every single requirement was met,
24 personally emailed Defendant Brazier to have any Film Office employee or government
25 legislator come to the set (see EXHIBIT B). This requirement is buried in the forms, but
26 this email again proves how meticulous Filmmaker was in fulfilling every single
27 requirement including this obscure provision.

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1 68. On or about November 17, 2017, Filmmaker submitted the preliminary budget to the
2 Film Office (see EXHIBIT C). As the Honorable Court can see, the preliminary
3 requirements were met except for two items which were later fulfilled and never a subject
4 of dispute.

5 69. At no time did the Hawaii Film Office ever contact the Filmmaker to alert him to
6 anything that was not completed or out of the ordinary. In fact, they were silent for
7 almost eight months.

8 70. On or about November 20, 2017, Filmmaker again inquired about the \$1,000 contribution
9 that was required to be made to the University of Hawaii Foundation (see EXHIBIT D).
10 This again shows how astute and careful Filmmaker was to the requirements set forth by
11 the Hawaii Film Office.¹

12 71. Filmmaker then donated \$1,000 to the University of Hawaii Foundation in accordance to
13 the requirements (Filmmaker and his wife give 90% of their wealth away to charity or to
14 their faith-based endeavors).

15 72. On or about December 2017, Filmmaker received the pre-qualification letter (See
16 EXHIBIT E and F). At no point, did the Hawaii Film Office ever question or comment on
17 any part of the film's production or requirements.

18 73. Multiple calls from March 2017 to February 2018 to Defendant Brazier again confirmed
19 Filmmaker was on track to receive his rebate.

20 74. On or about December 11, 2017, the Hawaii Film Office submitted an email (See
21 EXHIBIT G) which outline precisely the 7 remaining requirements left to get the tax
22 certificate.
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25 ¹ The \$1,000 requirement is yet another misrepresentation of the Hawaii Film
26 Office's advertising and promotions as this falls beneath the 20% rebate back
27 then, i.e., you have to pay an additional \$1,000 to be considered for a
28 rebate.

1 **75. Filmmaker fulfilled every single requirement and more so and will testify, under the**
2 **penalty of perjury (that carries a jail sentence), that every single requirement was fulfilled**
3 **with complete honesty and integrity.**

4 **76. This will be proven with ‘smoking-gun’ evidence at trial and during the Motion for**
5 **Summary Judgment.**

6 **77. To reiterate the point again, had Filmmaker not been deceived by Defendant’s action,**
7 **Filmmaker would not have filmed any movie in Hawaii. Period.**

8 **78. Nevertheless, it gets worse.**

9 **79. On or about December 11, 2017, Filmmaker sent an email simply re-confirming what**
10 **constitutes a vendor by the Hawaii Film Office (see EXHIBIT H).**

11 **80. In the most juvenile and condescending response, Defendant Brazier replied to Defendant**
12 **Dawson, “Should we use the definition of vendor in the dictionary???” She unwittingly**
13 **copied herself in her reply to the Filmmaker.**

14 **81. As it turns out, this requirement is the exact same thing the Hawaii Film Office**
15 **fraudulently used in their desperate attempts to sabotage, smear, and hurt Filmmaker by**
16 **denying the rebate. They questioned what constitutes a vendor. It’s the ‘Confederacy of**
17 **Dunces’ all over again.**

18 **82. This also proves the immature lengths the Defendants, collectively, have gone to avoid**
19 **giving the Filmmaker his earned rebate. It’s run like a junior high school.**

20 **83. Again, Filmmaker has worked with the film departments of Connecticut, Louisiana,**
21 **Georgia, Virginia, North Carolina, California, et al and has never encountered such an**
22 **immature, hostile, mean-spirited, incompetent, sneaky, slow, sensitive, and**
23 **maniupulative conduct ever. Filmmaker has been in the business for over 22 years again**
24 **and has made 12 movies.**

25 **84. The Filmmaker again believes the Honorable U.S. District Court and jury will find**
26 **sufficient evidence in the months, and possible years to come, of another corrupt**
27 **Hawaiian government agency that needs Federal investigation.**

28

1 **85.** Filmmaker will depose all of the parties at the Hawaii Film Office and past UPMs and
2 line producer of every single past film to prove there is widespread and gross
3 incompetence at every level.

4 **86.** Filmmaker also plans to file a whistleblower lawsuit against the Hawaii Film Office and
5 the Hollywood studios for wasting the taxpayer's money. Filmmaker will file motions to
6 compel the paperwork to see every single budget that the Film Office has given millions
7 of dollars to the studios and yet denied a simple rebate to the Filmmaker.

8 **87.** On or about December 2017, Filmmaker finished the final paperwork and contacted the
9 Defendant Hawaii Film Office to begin the tax rebate final process and was told the tax
10 certificate would be sent within 3 to 6 months. – which is also stated on the Hawaii Film
11 Office website and on their official forms. It is now October 2018 at the time of the filing
12 of this suit. This is tragic in every respect.

13 **88.** Again, having the tax certificate was critical in both post-production money and for the
14 investors. The Defendants were fully aware of this.

15 **89.** Despite numerous emails, Defendants repeatedly dragged their feet and returned emails
16 sometimes a month later.

17 **90.** They then stated Filmmaker had to do other tasks that were never in the intital
18 conversations.

19 **91.** Filmmaker shook his head in disbelief. Filmmaker immediately sensed something was
20 terribly wrong.

21 **92.** Again, Defendants hid the relationships of those that created friction and their motives of
22 'teaching the filmmaker a lesson' by delaying the tax certificate to now 9 months. This a
23 textbook case of fraud and deceit.

24 **93.** Again, Filmmaker would never have filmed a movie in Hawaii had he known of this
25 fraud and deceit, misrepresentation, civil conspiracy and other conduct the Hawaii Film
26 Office would so brazenly do.
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1 94. Furthermore, they even admitted themselves that the office has come under intense
2 scrutiny by legislatures for previous blunders which will be part of the whistleblower
3 lawsuit. This again is total fraud and deceit and a total conflict of interest.

4 95. Defendants went beyond being crafty/sneaky to fraud and deceit as the Court will see
5 throughout this Complaint. These are the most dishonorable actions that Filmmaker has
6 ever worked with in 22 years. Here Filmmaker shot a movie that would honor a
7 Hawaiian Chiefess, pay good-paying jobs to Hawaiian/Polynesians, and the Hawaii Film
8 Office back-stabbed him by deceiving him and playing little juvenile high-school games
9 no other film office of any state would dare to do.

10 96. If in fact, the Hollywood studios have not gone through this level of fraud, then the
11 Hawaii Film Office, complete with starry, wide eyes, have discriminated against the
12 Filmmaker either through his religious beliefs (a violation of the First Amendment) or
13 against him as an independent filmmaker (a violation of the Hawaii Whistleblower Act)
14 This is a text-book case of self-dealing.

15 97. On or about August 2018, Filmmaker sent several emails to the Attorney General's office
16 and the Governor's office to attempt to understand why the Hawaii Film Office was
17 taking so long. The Hawaii Film Office refused to answer any emails.

18 98. Something was truly wrong here.

19 99. Finally, after legal threats, the Hawaii Film Office, in the most overt fraud of perhaps any
20 governmental agency in the state, then sent Filmmaker an astounding list of complete lies
21 and fabrications.

22 100. Defendants said because Filmmaker has not proved any of his receipts, he is not
23 entitled to a 20% rebate. Filmmaker immediately knew he was duped.

24 101. The Hawaii Film Office sent a list of requirements that are filled with complete
25 fraud and lies. It's almost jaw-dropping how each remaining requirement had already
26 been fulfilled.

27 102. The Hawaii Film Office sent a one-page sheet that looked like it took ten minutes
28 to do – not 9 months (see Exhibit A). The Filmmaker will show this smacks of the

1 juvenile and utterly fraudulent way the Hawaii Film Office went to avoid paying the 20%
2 rebate.

3 103. Among the several 'items' that Hawaii Film Office said the Filmmaker had to
4 prove was the actual shooting location of Kualoa Ranch (See Exhibit A). Filmmaker sent
5 the bill, the cancelled checks, and the Defendants still said Filmmaker could not prove
6 this expense. A simple phone call could verify this expenditure.

7 104. The sheet again shows scores of names of crew that Filmmaker already gave the
8 Hawaii Film Office every single GET Tax ID that they required. Yet it ignores key
9 actor's salaries, key equipment rentals, hotels – it's an absolute fraudulent document.²

10 105. Defendants Benita Brazier and Donne Dawson clearly acted outside the scope of
11 their agency in wanting to pay back Filmmaker in retribution for several reasons
12 Filmmaker will prove at trial.

13 106. The State of Hawaii should not defend Ms. Brazier or Ms. Dawson.

14 107. Filmmaker will call on several key witnesses in the cast, crew, and extras to prove
15 the Film Office is in disarray. He expects the trial to go for at least ten weeks and asks the
16 Honorable Court's patience as Filmmaker is bracing for extensive discovery (and
17 possible Motions to Compel with sanctions) to take place during this litigation.

18 108. This case is very important as there must be freedom of speech in Hawaii and that
19 federal law still supercedes state law. Hawaii is part of America and most Hawaiians
20 want that.

21 109. Filmmaker will subpoena every crew member for depositions to testify to the
22 events as true. And if Defendants lie during their sworn depositions, Filmmaker will file a
23

24 ² The one-sheet contains over 50 crew and cast that have already been
25 accounted for. The only way to explain the red marks is the Hawaii Film
26 Office is doing everything possible to sabotage and not pay Filmmaker. This
27 is indisputable evidence. Filmmaker will submit all of the evidence during
28 discovery and will file a Motion to seal the documents.

1 criminal complaint with the D.A. for perjury and possible Federal intervention.

2 Filmmaker will begin depositions within 30 days of the service of the Complaint to get a
3 head start on all discovery.

4 110. Filmmaker believes the damages to the movie are permanent and irrecoverable
5 due to Defendant's actions.

6 111. It is paramount that the Honorable Court grant Filmmaker broad discretion in
7 ascertaining what is going on as Filmmaker expects to file multiple Motions to Compel as
8 the Defendants have proven themselves deftly good at avoiding or ignoring questions
9 pertaining to their conduct.

10 112. Defendant's actions left the film in total chaos. The film went overbudget because
11 of their actions and the Filmmaker had to pay the overbudget out of his own pocket.

12 113. Again, Filmmaker testifies, under penalty of perjury, that he has never sued any
13 governmental agency in his entire life.

14 114. Filmmaker will depose Defendants Benita Brazier, Donne Dawson in November.
15 He will then depose other filmmakers who have shot movies in Hawaii.

16 115. Filmmaker will file a Pre-Judgment Writ of Attachment on all of Defendant's
17 personal and corporate assets and believes he has been damaged by no less than \$135
18 million in actual and punitive damages and will spend the next 5 years outlying the case
19 against the Defendants. They need to be punished severely for their contemptible
20 mistreatment of a filmmaker who tried to honor the people of Hawaii and their valiant
21 and courageous leader two hundred years ago.

22 116. Filmmaker is exiting making the next films in Hawaii and the damages are stark
23 and real – due mostly because of Defendant's fraud and deceit. This will be calculated in
24 the damages against Defendants.

25 117. Filmmaker also will depose crew members and others who Defendants divulged
26 confidential information.

27 118. Filmmakers request the court to expedite discovery and set a trial date in the most
28 expeditious manner if possible

1 119. Filmmaker also intends to file a Motion to Allow Public Cameras in the
2 courtroom to prevent this type of behavior from happening again to other worthy
3 filmmakers.

4 120. Should Filmmaker prevail, he will garnish the wages of Defendants who acted
5 outside the scope of their agency employment and who the State must not represent.

6 121. Should Defendants Benita Brazer or Donne Dawson declare bankruptcy,
7 Filmmaker will file an Adverse Proceeding with the U.S. Bankruptcy Court blocking any
8 bankruptcy from going through.

9
10 **COUNT 1 – FRAUD AND DECEIT**

11
12 122. Filmmaker repeats and realleges each and every allegation contained in
13 paragraphs 1 through 122 above as if fully set forth herein.

14 123. Filmmaker is a champion of other artists and has fought for their rights and will
15 fight against this scam run by Defendants.

16 124. Furthermore, Defendants either negligently erred or intentionally defrauded
17 Filmmaker.

18 125. Filmmaker is informed, and believes and, based thereon alleges, that at the time
19 Defendants made the above promises, inducements, and representations to Filmmaker to
20 induce Filmmaker to film in Hawaii, they were false in that defendants did not intend to
21 fulfill the promises, inducements and representations to Filmmaker.

22 126. Filmmaker is further informed and believes and, based thereon alleges, that such
23 promises, inducements and representations by Defendants were made with the intent to
24 induce Filmmaker to enter into Agreement to receive a rebate back from shooting in
25 Hawaii and to render performance thereunder.

26 127. In strict and absolute reliance upon such false promises, inducements, and
27 representations by Defendants, Filmmaker was induced to enter into the Agreement and
28

1 to sign off on 10 years of hard work to bring the history of Hawaii to fruition – only to be
2 rejected by Defendants.

3 **128.** At the time Filmmaker took such actions, it was ignorant of the falsity of
4 Defendant’s promises, inducements and representations and, in the exercise of reasonable
5 diligence, could not have discovered its intentions: the financial straits due to the failure
6 of their performance; and the outright deceit by Defendants. This conduct warrants
7 punitive damages by this court and by the jury and this conduct ‘pierces the corporate
8 veil’ so the Defendants are not able to stand behind their governmental employee
9 contracts, but rather are personally liable for this fraud and deceit.

10 **129.** The Defendants have essentially ‘raped’ the Filmmaker of the bread off his table
11 and destroyed three future movies that took ten years to create. They must be held
12 personally and corporately liable. Defendant’s action falls completely outside the scope
13 of a normal government interaction and the Hawaii AG should not defend them as this is
14 a complete waste of taxpayer dollars. Filmmaker is confident the Court and the jury of
15 the general public will understand it and rule in his favor.

16 **130.** Had Filmmaker known the truth, and known of Defendants’s intentions, he would
17 never have filmed his movie in Hawaii. Filmmaker has ‘smoking gun’ evidence in the
18 form of the rejection email and the fraudulent one-sheet filled with mistakes and deceit
19 and of 60 phone calls and emails sent back and forth between Defendants and Filmmaker
20 that should serve as clear and demonstrative evidence of true intent.

21 **131.** Filmmaker’s intention is very clear: He had high hopes for both films and it’s the
22 sole reason he would film in Hawaii. The language is crystal-clear in the Hawaii
23 Production Report and thus the court should award a Motion for Summary Judgment in
24 favor of the Filmmaker.

25 **132.** As a direct and proximate result of the foregoing material breaches of the signed,
26 written contract, Filmmakers have been damaged in an aggregate amount to be
27 determined at trial, in excess of the jurisdictional minimum of this court, believed to be
28 no less than \$135 million.

1
2 **COUNT 2 – BREACH OF IMPLIED COVENANT OF GOOD FAITH**
3 **AND FAIR DEALING**
4

5 133. Filmmaker repeats and realleges each and every allegation contained in
6 paragraphs 1-133 through above as if fully set forth herein.

7 134. Every contract imposes upon each party a duty of good faith and fair dealing in its
8 performance and its enforcement.” However, “[t]he implied covenant ‘is designed to
9 effectuate the intentions and reasonable expectations of parties reflected by mutual
10 promises within the contract.’

11 135. All of the following elements must exist to state a claim for breach of the duty of
12 good faith and fair dealing in a contract action: (1) A contractual relationship between the
13 parties; (2) Filmmaker's performance, or excuse from performance, of the obligations
14 under the contract; (3) An allegation that the defendant unfairly prevented Filmmaker
15 from receiving the benefits that Filmmaker was entitled to receive under the Hawaii Film
16 Office 20% rebate to tall filmmakers; and (4) An allegation that defendant's conduct
17 resulted in harm to the Filmmaker.

18 136. This is a text book case of breaching an implied covenant of good faith.

19 137. On or about April 2017, Filmmaker began pre-production of one of most
20 ambitious movies on Hawaii history ever - on the lives of Chiefess Kapiolani, King
21 Kamehameha, Captain Cook, and Queen Liliuokalani.

22 138. The film made news around the world, including US News and World Report,
23 NBC, ABC, and local Hawaiian media (Hawaii News Now, Star Advertiser, KHON,
24 KITV, et al).

25 139. As the Plaintiff/Filmmaker Tim Chey is a devout Christian, the first film he
26 wanted to put into production was the compelling story of Chiefess Kapiolani who found
27 Christ and went to the top of the volcano to proclaim her new-found faith in the Lord.
28

1 **140.** Filmmaker enlisted a Native Hawaiian professor at the University of Hawaii who
2 teaches Native Hawaiian history to help research and co-write the script. Yet a core group
3 of people who oppose Christianity in Hawaii conspired against the Filmmaker.

4 Filmmaker has 'smoking-gun' evidence of this and will release this during discovery and
5 at the trial.

6 **141.** Filmmaker is contemplating suing this group later in 2019 – he first wants to get
7 this case moving forward to a 2019/2020 trial.

8 **142.** On or about March 2017, Filmmaker decided to film 'The Islands' after being
9 assured that the Defendant Hawaii Film Office would give a 20% rebate on the budget
10 that the Film Office gives to all filmmakers. This was extremely important to the
11 Filmmaker as many production companies base their entire decision for where to film
12 based on the movie tax credits of each state. This is common industry knowledge and
13 practice.

14 **143.** Also, the 20% rebate is critically important for P&A (prints and advertising) for
15 the film's exposure and marketing funds.

16 **144.** Had Filmmaker known that Defendants would even attempt not to reward the
17 20% rebate because they didn't like the content of the movie, the Filmmaker's beliefs, or
18 his personality per se, Filmmaker would never have even launched such a huculean effort
19 in making the film, including casting an Academy-Award winning actress, a legendary
20 actor, and a 98% Native Polynesian cast. Filmmaker would simply have made another
21 film in another state. Filmmaker has made 12 movies in 22 years. He did not need the
22 horrific grief imposed by Defendants collectively.

23 **145.** It is very rare for any governmental agency to act as juvenile, vindictive, and
24 incompetent as the Hawaii Film Office. It's astonishing as Filmmaker has worked with
25 the Connecticut, Lousiana, Virginia, Fiji, California, Michigan, and North Carolina film
26 offices with absolutely no issues or problems. In fact, the Connecticut Film Office gave
27 Filmmaker his 30% tax rebate for 'Freedom' (Cuba Gooding, Jr., Sharon Leal, William
28 Sadler) within 30 days after the paperwork was turned in.

1 **146.** From the start of the movie until post-production, Filmmaker made the 20%
2 rebate the number one priority as he realized how significant the rebate was. It was 20%
3 of the entire budget and this was to put bread on the table of a faith-based filmmaker.

4 **147.** On or about April 2017, Filmmaker received a strange message from one of the
5 employees of the Hawaii Film Office. She said she had ‘concerns’ about Filmmaker’s
6 movie and to call her. Filmmaker returned her call and assured her that one of his co-
7 writers was a well-respected Native Hawaiian professor at the University of Hawaii who
8 taught Native Hawaiian history.

9 **148.** Nevertheless, this is a complete violation of Filmmaker’s 1st Amendment rights
10 for a government agency to inquire about the content of a movie – it’s almost unheard of.
11 Imagine a California agency calling a Hollywood studio and ‘inquiring’ about the content
12 of the horror movie ‘The Nun’. The outrage would be worldwide. This is no different.

13 **149.** Having a Hawaii state agency calling to say there’s a problem with Filmmaker’s
14 Christian movie reeks of 1st Amendment problems of free speech.

15 **150.** The history of Chiefess Kapiolani’s leadership brought Christianity to Hawaii.
16 This is the issue of those who oppose it. Filmmaker gets it and totally understands the
17 hatred as Jesus himself said “If they hated me, they will hate you.” (John 15:18).

18 **151.** Nevertheless, Hawaii is officially part of the United States and must adhere to
19 federal laws or there will be absolute chaos. The rejection of the rebate to Filmmaker is
20 the beginning of the end and shows the Defendants collectively breached the implied
21 covenant of good faith starkly and maliciously.

22 **152.** Again, the film is based on a true story and anything done on the governmental
23 level to oppose Filmmaker is complete and total discrimination against his religion and
24 unequivocally violates the Filmmaker’s First Amendment rights to free speech.

25 **153.** The events of the core group to oppose Filmmaker’s telling of the history started
26 the entire chain-of-events as Filmmaker would not back down from making the film.
27
28

1 **154.** Filmmaker received death threats before and during shooting. His staff had to file
2 police reports to the incompetent Honolulu police who did absolutely nothing despite
3 even having the name of the alleged perpetrator.

4 **155.** Filmmaker alleges that possible elements or people in the Hawaii Film Office
5 have also been part of a smear campaign against many historical Hawaiian films,
6 including Filmmaker's movie.

7 **156.** In addition to death threats, Filmmaker was up against many other deep hurdles,
8 including union threats and Hawaiian activists who threatened to shut down the
9 production on numerous instances.

10 **157.** In over 60 emails and phone calls, Filmmaker worked diligently to make sure
11 every single receipt, GET tax id of every single crew member and cast member was
12 obtained.

13 **158.** Filmmaker fulfilled each and every requirement methodically and precisely
14 because he knew the Defendant Hawaii Film Office might try something sneaky.

15 Filmmaker even has proof that one email mistakenly forwarded to Filmmaker showed
16 the Defendants were already conspiring to 'get' Filmmaker' (See Exhibit H).

17 **159.** This process of getting all the requirements for the Hawaii Film Office took over
18 13 weeks and Filmmaker calculates over 240 hours of man time.

19 **160.** Filmmaker is also a Harvard-educated attorney and bills at \$550 an hour. So by
20 just multiplying 240 x \$550 would come to \$192,000. This is how important the rebate
21 back from the Hawaii Film Office was to the Filmmaker and the Filmmaker asks the
22 Court to consider the \$192,000 as additional damages aside from the punitive damages.

23 **161.** Again, the Hawaii Film Office has blatantly lied in their refusal to credit the
24 Filmmaker with the 20% rebate. There is no reason, outside of their wanting to teach
25 Filmmaker a lesson, to withhold the tax certificate. Filmmaker fulfilled every
26 requirement.

27 **162.** Filmmaker tries to show the love of Jesus to everyone he can. However, should
28 Defendants even broach any issues that demean or slander Filmmaker, Filmmaker will

1 amend this lawsuit to include defamation and/or libel and slander. Filmmaker is very
2 confident he would win any Anti-Slapp Motion as he has been more than diligent in the
3 entire application process.

4 **163.** The fact that Defendants did not alert Filmmaker that he was ‘lacking’ in further
5 proof of receipts for more than 9 months is further proof of fraud and deceit that would
6 later rise up again on much more serious levels.

7 **164.** On or about September 2017, Filmmaker put in several calls to Defendant Brazier
8 to make sure every ‘T’ was crossed and every ‘I’ was dotted. Filmmaker wanted to make
9 sure there would be no problems with getting the 20% rebate back. This was critical as he
10 would not have filmed in Hawaii.

11 **165.** On or about September 2017, Defendant Brazier repeatedly told Filmmaker that
12 he did not need to get the GET Tax Ids for established businesses in Hawaii as they were
13 obviously paying tax to the Hawaii government.

14 **166.** This proved to be yet another misrepresentation.

15 **167.** On or about September 2018, almost a year later, Defendants Dawson and the
16 Hawaii Film Office suddenly demanded that all the GET tax IDs should be listed. This is
17 another brazen and fraudulent attempt to deny Filmmaker his just rebate. Filmmaker did,
18 in fact, list every single GET Tax ID. Somehow, they lost the paperwork or it was
19 maliciously destroyed.

20 **168.** In Defendant’s one page sheet they sent to Filmmaker - that possibly took less
21 than an hour to do – not 9 months – they also said the GET Tax IDs were wrong when in
22 fact they were correct. Further proof that they were desperately trying anything to not
23 give the Filmmaker his rebate.

24 **169.** The entire one-page sheet is filled with complete wrong assumptions, numbers,
25 and math. It’s like a third-grader put it together hoping this would pass and Filmmaker
26 would go away.

27 **170.** On or about October 2017 and three weeks before shooting, Defendant Brazier
28 contacted the production’s UPM and gave the UPM the actual budget figures. This is a

1 text-book case of conflict of interest. The UPM knew Defendant Brazier and was never
2 given authorization to have any confidential numbers or should receive them as this
3 person was only the UPM. The production ended up firing the UPM for gross
4 incompetence and was later sued by the UPM in small claims.

5 **171.** Had Filmmaker known this conflict of interest and gross breach of privacy, he
6 would have immediately requested another contact to work with at the Hawaii Film
7 Office, because of the industry rule/code that key positions should not be filled by ANY
8 partnership team because again if one is fired, the other will quit or have to be fired as
9 well.

10 **172.** Again, this is a textbook case of breaching an implied good covenant in dealings.

11 **173.** Filmmaker believes and alleges that the UPM's firing has contributed to the
12 Hawaii Film Office defrauding Filmmaker out of his rightful 20% rebate as the UPM sent
13 a letter to the office violating the confidentiality provision of her signed contract. No
14 other true professional in the industry would do this.

15 **174.** This unprofessional, sneaky, and juvenile high school conduct is another reason
16 why Filmmaker will never film in Hawaii again.

17 **175.** On or about November 2017, Filmmaker, to make sure every single requirement
18 was met, personally emailed Defendant Brazier to have any Film Office employee or
19 government legislator come to the set (see EXHIBIT B). This requirement is buried in the
20 forms, but this email again proves how meticulous Filmmaker was in fulfilling every
21 single requirement including this obscure provision.

22 **176.** On or about November 17, 2017, Filmmaker submitted the preliminary budget to
23 the Film Office (see EXHIBIT C). As the Honorable Court can see, the preliminary
24 requirements were met except for two items which were later fulfilled and never a subject
25 of dispute.

26 **177.** At no time did the Hawaii Film Office ever contact the Filmmaker to alert him to
27 anything that was not completed or out of the ordinary. In fact, they were silent for
28 almost eight months.

1 **178.** On or about November 20, 2017, Filmmaker again inquired about the \$1,000
2 contribution that was required to be made to the University of Hawaii Foundation (see
3 EXHIBIT D). This again shows how astute and careful Filmmaker was to the
4 requirements set forth by the Hawaii Film Office.³

5 **179.** Filmmaker then donated \$1,000 to the University of Hawaii Foundation in
6 accordance to the requirements (Filmmaker and his wife give 90% of their wealth away
7 to charity or to their faith-based endeavors).

8 **180.** On or about December 2017, Filmmaker received the pre-qualification letter (See
9 EXHIBIT E and F). At no point, did the Hawaii Film Office ever question or comment on
10 any part of the film's production or requirements.

11 **181.** Multiple calls from March 2017 to February 2018 to Defendant Brazier again
12 confirmed Filmmaker was on track to receive his rebate.

13 **182.** On or about December 11, 2017, the Hawaii Film Office submitted an email (See
14 EXHIBIT G) which outline precisely the 7 remaining requirements left to get the tax
15 certificate.

16 **183.** Filmmaker fulfilled every single requirement and more so and will testify, under
17 the penalty of perjury (that carries a jail sentence), that every single requirement was
18 fulfilled with complete honesty and integrity.

19 **184.** This will be proven with 'smoking-gun' evidence at trial and during the Motion
20 for Summary Judgment.

21 **185.** To reiterate the point again, had Filmmaker not been deceived by Defendant's
22 action, Filmmaker would not have filmed any movie in Hawaii. Period.

23 **186.** Nevertheless, it still gets worse.

24
25
26 ³ The \$1,000 requirement is yet another misrepresentation of the Hawaii Film
27 Office's advertising and promotions as this falls beneath the 20% rebate back
28 then, i.e., you have to pay an additional \$1,000 to be considered for a
rebate.

1 **187.** On or about December 11, 2017, Filmmaker sent an email simply re-confirming
2 what constitutes a vendor by the Hawaii Film Office (see EXHIBIT H).

3 **188.** In the most juvenile, condescending, and vicious response, Defendant Brazier
4 replied to Defendant Dawson, "Should we use the definition of vendor in the
5 dictionary???" She unwittingly copied herself in her reply to the Filmmaker.

6 **189.** As it turns out, this requirement is the exact same thing the Hawaii Film Office
7 fraudulently used in their desperate attempts to sabotage, smear, and hurt Filmmaker by
8 denying the rebate. They questioned what constitutes a vendor. It's the 'Confederacy of
9 Dunces' all over again.

10 **190.** This also proves the immature lengths the Defendants, collectively, have gone to
11 avoid giving the Filmmaker his earned rebate. It's run like a junior high school.

12 **191.** Again, Filmmaker has worked with the film departments of Connecticut,
13 Louisiana, Georgia, Virginia, North Carolina, California, et al and has never encountered
14 such an immature, hostile, mean-spirited, incompetent, sneaky, slow, sensitive, and
15 maniupulative conduct ever. Filmmaker has been in the business for over 22 years again
16 and has made 12 movies.

17 **192.** The Filmmaker again believes the Honorable U.S. District Court and jury will
18 find sufficient evidence in the months, and possible years to come, of another corrupt
19 Hawaiian government agency that needs Federal investigation.

20 **193.** Filmmaker will depose all of the parties at the Hawaii Film Office and past UPMs
21 and line producer of every single past film to prove there is widespread and gross
22 incompetence at every level.

23 **194.** Filmmaker also plans to file a whistleblower lawsuit against the Hawaii Film
24 Office and the Hollywood studios for wasting the taxpayer's money. Filmmaker will file
25 motions to compel the paperwork to see every single budget that the Film Office has
26 given millions of dollars to the studios and yet denied a simple rebate to the Filmmaker.

27 **195.** On or about December 2017, Filmmaker finished the final paperwork and
28 contacted the Defendant Hawaii Film Office to begin the tax rebate final process and was

1 told the tax certificate would be sent within 3 to 6 months. – which is also stated on the
2 Hawaii Film Office website and on their official forms. It is now October 2018 at the
3 time of the filing of this suit. This is tragic in every respect.

4 **196.** Again, having the tax certificate was critical in both post-production money and
5 for the investors. The Defendants were fully aware of this.

6 **197.** Despite numerous emails, Defendants repeatedly dragged their feet and returned
7 emails sometimes a month later.

8 **198.** They then stated Filmmaker had to do other tasks that were never in the intital
9 conversations.

10 **199.** Filmmaker shook his head in disbelief. Filmmaker immediately sensed something
11 was terribly wrong.

12 **200.** Again, Defendants hid the relationships of those that created friction and their
13 motives of ‘teaching the filmmaker a lesson’ by delaying the tax certificate to now 9
14 months. This a textbook fraud and deceit.

15 **201.** Again, Filmmaker would never have filmed a movie in Hawaii had he known of
16 this fraud and deceit, misrepresentation, civil conspiracy and other conduct the Hawaii Film
17 Office would so brazenly do.

18 **202.** Furthermore, they even admitted themselves that the office has come under
19 intense scrutiny by legislatures for previous blunders which will be part of the
20 whistleblower lawsuit. This again is total fraud and deceit and a total conflict of interest.

21 **203.** Defendants went beyond being crafty/sneaky to fraud and deceit as the Court will
22 see throughout this Complaint. These are the most dishonorable actions that Filmmaker
23 has ever worked with in 22 years. Here Filmmaker shot a movie that would honor a
24 Hawaiian Chiefess, pay good-paying jobs to Hawaiian/Polynesians, and the Hawaii Film
25 Office back-stabbed him by deceiving him and playing little juvenile high-school games
26 no other film office of any state would dare to do.

27 **204.** If in fact, the Hollywood studios have not gone through this level of fraud, then
28 the Hawaii Film Office, complete with starry, wide eyes, have discriminated against the

1 Filmmaker either through his religious beliefs (a violation of the First Amendment) or
2 against him as an independent filmmaker (a violation of the Hawaii Whistleblower Act)
3 This is a text-book case of self-dealing.

4 205. On or about August 2018, Filmmaker sent several emails to the Attorney
5 General's office and the Governor's office to attempt to understand why the Hawaii Film
6 Office was taking so long. The Hawaii Film Office refused to answer any emails.

7 206. Something was truly wrong here.

8 207. Finally, after legal threats, the Hawaii Film Office, in the most overt fraud of
9 perhaps any governmental agency in the state, then sent Filmmaker an astounding list of
10 complete lies and fabrications.

11 208. Defendants said because Filmmaker has not proved any of his receipts, he is not
12 entitled to a 20% rebate. Filmmaker immediately knew he was duped.

13 209. The Hawaii Film Office sent a list of requirements that are filled with complete
14 fraud and lies. It's almost jaw-dropping how each remaining requirement had already
15 been fulfilled.

16 210. The Hawaii Film Office sent a one-page sheet that looked like it took ten minutes
17 to do – not 9 months (see Exhibit A). The Filmmaker will show this smacks of the
18 juvenile and utterly fraudulent way the Hawaii Film Office went to avoid paying the 20%
19 rebate.

20 211. Among the several 'items' that Hawaii Film Office said the Filmmaker had to
21 prove was the actual shooting location of Kualoa Ranch (See Exhibit A). Filmmaker sent
22 the bill, the cancelled checks, and the Defendants still said Filmmaker could not prove
23 this expense. A simple phone call could verify this expenditure.

1 212. The sheet again shows scores of names of crew that Filmmaker already gave the
2 Hawaii Film Office every single GET Tax ID that they required. Yet it ignores key
3 actor's salaries, key equipment rentals, hotels – it's an absolute fraudulent document.⁴

4 213. Defendants Benita Brazier and Donne Dawson clearly acted outside the scope of
5 their agency in wanting to pay back Filmmaker in retribution for several reasons
6 Filmmaker will prove at trial.

7 214. The State of Hawaii should not defend Ms. Brazier or Ms. Dawson.

8 215. Filmmaker will call on several key witnesses in the cast, crew, and extras to prove
9 the Film Office is in disarray. He expects the trial to go for at least ten weeks and asks the
10 Honorable Court's patience as Filmmaker is bracing for extensive discovery (and
11 possible Motions to Compel with sanctions) to take place during this litigation.

12 216. This case is very important as there must be freedom of speech in Hawaii and that
13 federal law still supercedes state law. Hawaii is part of America and most Hawaiians
14 want that.

15 217. Filmmaker will subpoena every crew member for depositions to testify to the
16 events as true. And if Defendants lie during their sworn depositions, Filmmaker will file a
17 criminal complaint with the D.A. for perjury and possible Federal intervention.
18 Filmmaker will begin depositions within 30 days of the service of the Complaint to get a
19 head start on all discovery.

20 218. Filmmaker believes the damages to the movie are permanent and irrecoverable
21 due to Defendant's actions.

22
23
24 ⁴ The one-sheet contains over 50 crew and cast that have already been
25 accounted for. The only way to explain the red marks is the Hawaii Film
26 Office is doing everything possible to sabotage and not pay Filmmaker. This
27 is indisputable evidence. Filmmaker will submit all of the evidence during
28 discovery and will file a Motion to seal the documents.

1 219. It is paramount that the Honorable Court grant Filmmaker broad discretion in
2 ascertaining what is going on as Filmmaker expects to file multiple Motions to Compel as
3 the Defendants have proven themselves deftly good at avoiding or ignoring questions
4 pertaining to their conduct.

5 220. Defendant's actions left the film in total chaos. The film went overbudget because
6 of their actions and the Filmmaker had to pay the overbudget out of his own pocket.

7 221. Again, Filmmaker testifies, under penalty of perjury, that he has never sued any
8 governmental agency in his entire life.

9 222. Filmmaker will depose Defendants Benita Brazier, Donne Dawson in November.
10 He will then depose other filmmakers who have shot movies in Hawaii.

11 223. Filmmaker will file a Pre-Judgment Writ of Attachment on all of Defendant's
12 personal and corporate assets and believes he has been damaged by no less than \$135
13 million in actual and punitive damages and will spend the next 5 years outlying the case
14 against the Defendants. They need to be punished severely for their contemptible
15 mistreatment of a filmmaker who tried to honor the people of Hawaii and their valiant
16 and courageous leader two hundred years ago.

17 224. Filmmaker is exiting making the next films in Hawaii and the damages are stark
18 and real – due mostly because of Defendant's fraud and deceit. This will be calculated in
19 the damages against Defendants.

20 225. Filmmaker also will depose crew members and others who Defendants devulged
21 confidential information.

22 226. Filmmakers request the court to expedite discovery and set a trial date in the most
23 expeditious manner if possible.

24
25 **COUNT 3 – VIOLATION OF CIVIL RIGHTS**

26 **(42 U.S.C. § 1983: FREE SPEECH AND DUE PROCESS)**
27
28

1 227. Plaintiff incorporates by reference all preceding paragraphs as if fully restated
2 here.

3 228. The Defendant's repeated rejection of Filmmaker's rebate is an unconstitutional
4 abridgment on its face, and as applied or threatened to be applied, of the plaintiff's
5 affirmative rights to freedom of speech under the United States Constitution, First and
6 Fourteenth Amendments.
7

8 229. The Hawaii Film Office requirements that it needs a copy of the screenplay and
9 the film, on its face and as applied or threatened to be applied, is an unconstitutionally
10 overbroad restriction on expressive activity. Nevertheless, Plaintiff-Filmmaker sent the
11 Office a copy of his script.
12

13 230. The Hawaii Film Office requirements and rejection of Filmmaker's rebate, on its
14 face and as applied or threatened to be applied, is an unconstitutionally vague restriction
15 on expressive activity.
16

17 231. The Hawaii Film Office requirements, on its face and as applied or threatened to
18 be applied, is a content-based and viewpoint-based restriction on speech.

19 232. The Hawaii Film Office requirements and rejection of Filmmaker's rebate, on its
20 face and as applied or threatened to be applied, does not serve a significant governmental
21 interest.
22

23 233. The Hawaii Film Office requirements and rejection of Filmmaker's rebate, on its
24 face and as applied or threatened to be applied, does not leave open ample alternative
25 channels of communication.

26 234. The Hawaii Film Office requirements and rejection of Filmmaker's rebate, on its
27 face and as applied or threatened to be applied, is neither narrowly tailored nor the least
28

1 restrictive means to accomplish any permissible governmental purpose sought to be
2 served by the legislation. This is apparent in the way the Hawaii Film Office so brazenly,
3 unfairly, and fraudulently rejected Filmmaker's complete package – complete with all
4 receipts and cancelled checks to state workers, vendors, hotels, caterers, extras, etc – all
5 because the Defendants didn't like Filmmaker and/or his message. This is unequivocal.
6

7 235. The Hawaii Film Office rebate program fails to adequately advise, notify, or
8 inform persons threatened with possible rejection of the rebate for violation of their
9 requirements.

10 236. The Hawaii Film Office rebate requirements are ripe for abuse, and an irrational
11 and unreasonable statute, imposing unjustifiable restrictions on the exercise of protected
12 constitutional rights.
13

14 237. The Hawaii Film Office requirements, on its face and as applied or threatened to
15 be applied, violates the Equal Protection Clause of the Fourteenth Amendment to the
16 United States Constitution and similar guarantees in the Hawaii State Constitution by
17 denying plaintiff free speech rights allowed to others in similar situations and other
18 protections of state and federal law, namely Hollywood studios who have not run into
19 any of the problems independent Christian filmmaker Tim Chey ran into with this Hawaii
20 State agency.
21

22 238. The First Amendment is to guarantee Filmmaker can make a film that will tell the
23 story of a Hawaiian chiefess who found Christ without a state agency attempting to
24 sabotage the filmmaker because of his faith. It's that simple.
25

26 **(42 U.S.C. SECTION 1983: EQUAL PROTECTION)**
27
28

1 239. The Hawaii Film Office regulations, on its face and as applied or threatened to be
2 applied, violates the Equal Protection Clause of the Fourteenth Amendment. Specifically
3 but not exclusively, the Office's regulations (admitted to by Defendant Dawson in an
4 email to Filmmaker) creates varying classes of independent filmmakers and Hollywood
5 studios and Defendant Dawson can 'select' who gets priority to get the rebate returned as
6 she herself admitted in an email to Filmmaker.

7
8 240. These classifications have a direct bearing on the fundamental interest in free
9 speech.

10 241. The City has no compelling interest justifying the creation of these classes –
11 independent or Hollywood or even independent faith-based films - and cannot show that
12 these classifications are necessary to serve any legitimate governmental interest.

13
14 242. The Hawaii Film Office's regulation singles out which film gets treatment first.
15 So even if, arguendo, Defendant Dawson showed 'favoritism' to Filmmaker because he's
16 a sold-out Christian and gave Filmmaker his rebate check in 30 days, this is still a stark
17 and complete violation of the Equal Protection Clause.

18
19 243. Filmmaker is not asking for favoritism. He's asking to be treated equally with the
20 Hollywood film studios cranking out violent and sex-crazed movies by the bucket-full.
21 Anything less is a complete abridgement of the Equal Protection Clause.

22 244. These classifications have a direct bearing on the fundamental interest in free
23 speech. The City has no compelling interest justifying who gets priority and cannot show
24 that these classifications are necessary to serve any legitimate governmental interest.

25
26 245. As a direct and proximate result of the foregoing material breaches of wrongful
27 conversion, Filmmaker has been damaged in an aggregate amount to be determined at
28

1 trial, in excess of the jurisdictional minimum of this court, believed to be no less than
2 \$135 million.

3 **COUNT 4 - INTERFERENCE WITH PROSPECTIVE BUSINESS**
4 **ADVANTAGE**
5

6 246. Plaintiff incorporates by reference all preceding paragraphs as if fully restated
7 here.

8
9 247. “The five elements for intentional interference with prospective economic
10 advantage are: (1) [a]n economic relationship between the Filmmaker and some third
11 party, with the probability of future economic benefit to the Filmmaker; (2) the
12 defendant’s knowledge of the relationship; (3) intentional acts on the part of the
13 defendant designed to disrupt the relationship; (4) actual disruption of the relationship;
14 and (5) economic harm to the Filmmaker proximately caused by the acts of the
15 defendant.”

16 248. On or about April 2017, Filmmaker began pre-production of one of most
17 ambitious movies on Hawaii history ever - on the lives of Chiefess Kapiolani, King
18 Kamehameha, Captain Cook, and Queen Liliuokalani.

19 249. The film made news around the world, including US News and World Report,
20 NBC, ABC, and local Hawaiian media (Hawaii News Now, Star Advertiser, KHON,
21 KITV, et al).

22 250. As the Plaintiff/Filmmaker Tim Chey is a devout Christian, the first film he
23 wanted to put into production was the compelling story of Chiefess Kapiolani who found
24 Christ and went to the top of the volcano to proclaim her new-found faith in the Lord.

25 251. Filmmaker enlisted a Native Hawaiian professor at the University of Hawaii who
26 teaches Native Hawaiian history to help research and co-write the script. Yet a core group
27 of people who oppose Christianity in Hawaii conspired against the Filmmaker.
28

1 Filmmaker has ‘smoking-gun’ evidence of this and will release this during discovery and
2 at the trial.

3 **252.** Filmmaker is contemplating suing this group later in 2019 – he first wants to get
4 this case moving forward to a 2019/2020 trial.

5 **253.** On or about March 2017, Filmmaker decided to film ‘The Islands’ after being
6 assured that the Defendant Hawaii Film Office would give a 20% rebate on the budget
7 that the Film Office gives to all filmmakers. This was extremely important to the
8 Filmmaker as many production companies base their entire decision for where to film
9 based on the movie tax credits of each state. This is common industry knowledge and
10 practice.

11 **254.** Also, the 20% rebate is critically important for P&A (prints and advertising) for
12 the film’s exposure and marketing funds.

13 **255.** Had Filmmaker known that Defendants would even attempt not to reward the
14 20% rebate because they didn’t like the content of the movie, the Filmmaker’s beliefs, or
15 his personality per se, Filmmaker would never have even launched such a huculean effort
16 in making the film, including casting an Academy-Award winning actress, a legendary
17 actor, and a 98% Native Polynesian cast. Filmmaker would simply have made another
18 film in another state. Filmmaker has made 12 movies in 22 years. He did not need the
19 horrific grief imposed by Defendants collectively.

20 **256.** It is very rare for any governmental agency to act as juvenile, vindictive, and
21 incompetent as the Hawaii Film Office. It’s astonishing as Filmmaker has worked with
22 the Connecticut, Lousiana, Virginia, Fiji, California, Michigan, and North Carolina film
23 offices with absolutely no issues or problems. In fact, the Connecticut Film Office gave
24 Filmmaker his 30% tax rebate for ‘Freedom’ (Cuba Gooding, Jr., Sharon Leal, William
25 Sadler) within 30 days after the paperwork was turned in.

26 **257.** From the start of the movie until post-production, Filmmaker made the 20%
27 rebate the number one priority as he realized how significant the rebate was. It was 20%
28 of the entire budget and this was to put bread on the table of a faith-based filmmaker.

1 **258.** On or about April 2017, Filmmaker received a strange message from one of the
2 employees of the Hawaii Film Office. She said she had ‘concerns’ about Filmmaker’s
3 movie and to call her. Filmmaker returned her call and assured her that one of his co-
4 writers was a well-respected Native Hawaiian professor at the University of Hawaii who
5 taught Native Hawaiian history.

6 **259.** Nevertheless, this is a complete violation of Filmmaker’s 1st Amendment rights
7 for a government agency to inquire about the content of a movie – it’s almost unheard of.
8 Imagine a California agency calling a Hollywood studio and ‘inquiring’ about the content
9 of the horror movie ‘The Nun’. The outrage would be worldwide. This is no different.

10 **260.** Having a Hawaii state agency calling to say there’s a problem with Filmmaker’s
11 Christian movie reeks of 1st Amendment problems of free speech.

12 **261.** The history of Chiefess Kapiolani’s leadership brought Christianity to Hawaii.
13 This is the issue of those who oppose it. Filmmaker gets it and totally understands the
14 hatred as Jesus himself said “If they hated me, they will hate you.” (John 15:18).

15 **262.** Nevertheless, Hawaii is officially part of the United States and must adhere to
16 federal laws or there will be absolute chaos. The rejection of the rebate to Filmmaker is
17 the beginning of the end and shows the Defendants collectively breached the implied
18 covenant of good faith starkly and maliciously.

19 **263.** Again, the film is based on a true story and anything done on the governmental
20 level to oppose Filmmaker is complete and total discrimination against his religion and
21 unequivocally violates the Filmmaker’s First Amendment rights to free speech.

22 **264.** The events of the core group to oppose Filmmaker’s telling of the history started
23 the entire chain-of-events as Filmmaker would not back down from making the film.

24 **265.** Filmmaker received death threats before and during shooting. His staff had to file
25 police reports to the incompetent Honolulu police who did absolutely nothing despite
26 even having the name of the alleged perpetrator.

1 **266.** Filmmaker alleges that possible elements or people in the Hawaii Film Office
2 have also been part of a smear campaign against many historical Hawaiian films,
3 including Filmmaker's movie.

4 **267.** In addition to death threats, Filmmaker was up against many other deep hurdles,
5 including union threats and Hawaiian activists who threatened to shut down the
6 production on numerous instances.

7 **268.** In over 60 emails and phone calls, Filmmaker worked diligently to make sure
8 every single receipt, GET tax id of every single crew member and cast member was
9 obtained.

10 **269.** Filmmaker fulfilled each and every requirement methodically and precisely
11 because he knew the Defendant Hawaii Film Office might try something sneaky.
12 Filmmaker even has proof that one email mistakenly forwarded to Filmmaker showed
13 the Defendants were already conspiring to 'get' Filmmaker' (See Exhibit H).

14 **270.** This process of getting all the requirements for the Hawaii Film Office took over
15 13 weeks and Filmmaker calculates over 240 hours of man time.

16 **271.** Filmmaker is also a Harvard-educated attorney and bills at \$550 an hour. So by
17 just multiplying 240 x \$550 would come to \$192,000. This is how important the rebate
18 back from the Hawaii Film Office was to the Filmmaker and the Filmmaker asks the
19 Court to consider the \$192,000 as additional damages aside from the punitive damages.

20 **272.** Again, the Hawaii Film Office has blatantly lied in their refusal to credit the
21 Filmmaker with the 20% rebate. There is no reason, outside of their wanting to teach
22 Filmmaker a lesson, to withhold the tax certificate. Filmmaker fulfilled every
23 requirement.

24 **273.** Filmmaker tries to show the love of Jesus to everyone he can. However, should
25 Defendants even broach any issues that demean or slander Filmmaker, Filmmaker will
26 amend this lawsuit to include defamation and/or libel and slander. Filmmaker is very
27 confident he would win any Anti-Slapp Motion as he has been more than diligent in the
28 entire application process.

1 **274.** The fact that Defendants did not alert Filmmaker that he was ‘lacking’ in further
2 proof of receipts for more than 9 months is further proof of fraud and deceit that would
3 later rise up again on much more serious levels.

4 **275.** On or about September 2017, Filmmaker put in several calls to Defendant Brazier
5 to make sure every ‘T’ was crossed and every ‘I’ was dotted. Filmmaker wanted to make
6 sure there would be no problems with getting the 20% rebate back. This was critical as he
7 would not have filmed in Hawaii.

8 **276.** On or about September 2017, Defendant Brazier repeatedly told Filmmaker that
9 he did not need to get the GET Tax Ids for established businesses in Hawaii as they were
10 obviously paying tax to the Hawaii government.

11 **277.** This proved to be yet another misrepresentation.

12 **278.** On or about September 2018, almost a year later, Defendants Dawson and the
13 Hawaii Film Office suddenly demanded that all the GET tax IDs should be listed. This is
14 another brazen and fraudulent attempt to deny Filmmaker his just rebate. Filmmaker did,
15 in fact, list every single GET Tax ID. Somehow, they lost the paperwork or it was
16 maliciously destroyed.

17 **279.** In Defendant’s one page sheet they sent to Filmmaker - that possibly took less
18 than an hour to do – not 9 months – they also said the GET Tax IDs were wrong when in
19 fact they were correct. Further proof that they were desperately trying anything to not
20 give the Filmmaker his rebate.

21 **280.** The entire one-page sheet is filled with complete wrong assumptions, numbers,
22 and math. It’s like a third-grader put it together hoping this would pass and Filmmaker
23 would go away.

24 **281.** On or about October 2017 and three weeks before shooting, Defendant Brazier
25 contacted the production’s UPM and gave the UPM the actual budget figures. This is a
26 text-book case of conflict of interest. The UPM knew Defendant Brazier and was never
27 given authorization to have any confidential numbers or should receive them as this
28

1 person was only the UPM. The production ended up firing the UPM for gross
2 incompetence and was later sued by the UPM in small claims.

3 **282.** Had Filmmaker known this conflict of interest and gross breach of privacy, he
4 would have immediately requested another contact to work with at the Hawaii Film
5 Office, because of the industry rule/code that key positions should not be filled by ANY
6 partnership team because again if one is fired, the other will quit or have to be fired as
7 well.

8 **283.** Again, this is a textbook case of breaching an implied good covenant in dealings.

9 **284.** Filmmaker believes and alleges that the UPM's firing has contributed to the
10 Hawaii Film Office defrauding Filmmaker out of his rightful 20% rebate as the UPM sent
11 a letter to the office violating the confidentiality provision of her signed contract. No
12 other true professional in the industry would do this.

13 **285.** This unprofessional, sneaky, and juvenile high school conduct is another reason
14 why Filmmaker will never film in Hawaii again.

15 **286.** On or about November 2017, Filmmaker, to make sure every single requirement
16 was met, personally emailed Defendant Brazier to have any Film Office employee or
17 government legislator come to the set (see EXHIBIT B). This requirement is buried in the
18 forms, but this email again proves how meticulous Filmmaker was in fulfilling every
19 single requirement including this obscure provision.

20 **287.** On or about November 17, 2017, Filmmaker submitted the preliminary budget to
21 the Film Office (see EXHIBIT C). As the Honorable Court can see, the preliminary
22 requirements were met except for two items which were later fulfilled and never a subject
23 of dispute.

24 **288.** At no time did the Hawaii Film Office ever contact the Filmmaker to alert him to
25 anything that was not completed or out of the ordinary. In fact, they were silent for
26 almost eight months.

27 **289.** On or about November 20, 2017, Filmmaker again inquired about the \$1,000
28 contribution that was required to be made to the University of Hawaii Foundation (see

1 EXHIBIT D). This again shows how astute and careful Filmmaker was to the
2 requirements set forth by the Hawaii Film Office.⁵

3 **290.** Filmmaker then donated \$1,000 to the University of Hawaii Foundation in
4 accordance to the requirements (Filmmaker and his wife give 90% of their wealth away
5 to charity or to their faith-based endeavors).

6 **291.** On or about December 2017, Filmmaker received the pre-qualification letter (See
7 EXHIBIT E and F). At no point, did the Hawaii Film Office ever question or comment on
8 any part of the film's production or requirements.

9 **292.** Multiple calls from March 2017 to February 2018 to Defendant Brazier again
10 confirmed Filmmaker was on track to receive his rebate.

11 **293.** On or about December 11, 2017, the Hawaii Film Office submitted an email (See
12 EXHIBIT G) which outline precisely the 7 remaining requirements left to get the tax
13 certificate.

14 **294.** Filmmaker fulfilled every single requirement and more so and will testify, under
15 the penalty of perjury (that carries a jail sentence), that every single requirement was
16 fulfilled with complete honesty and integrity.

17 **295.** This will be proven with 'smoking-gun' evidence at trial and during the Motion
18 for Summary Judgment.

19 **296.** To reiterate the point again, had Filmmaker not been deceived by Defendant's
20 action, Filmmaker would not have filmed any movie in Hawaii. Period.

21 **297.** Nevertheless, it still gets worse.

22 **298.** On or about December 11, 2017, Filmmaker sent an email simply re-confirming
23 what constitutes a vendor by the Hawaii Film Office (see EXHIBIT H).

24
25
26 ⁵ The \$1,000 requirement is yet another misrepresentation of the Hawaii Film
27 Office's advertising and promotions as this falls beneath the 20% rebate back
28 then, i.e., you have to pay an additional \$1,000 to be considered for a
rebate.

1 **299.** In the most juvenile, condescending, and vicious response, Defendant Brazier
2 replied to Defendant Dawson, “Should we use the definition of vendor in the
3 dictionary???” She unwittingly copied herself in her reply to the Filmmaker.

4 **300.** As it turns out, this requirement is the exact same thing the Hawaii Film Office
5 fraudulently used in their desperate attempts to sabotage, smear, and hurt Filmmaker by
6 denying the rebate. They questioned what constitutes a vendor. It’s the ‘Confederacy of
7 Dunces’ all over again.

8 **301.** This also proves the immature lengths the Defendants, collectively, have gone to
9 avoid giving the Filmmaker his earned rebate. It’s run like a junior high school.

10 **302.** Again, Filmmaker has worked with the film departments of Connecticut,
11 Louisiana, Georgia, Virginia, North Carolina, California, et al and has never encountered
12 such an immature, hostile, mean-spirited, incompetent, sneaky, slow, sensitive, and
13 manipulative conduct ever. Filmmaker has been in the business for over 22 years again
14 and has made 12 movies.

15 **303.** The Filmmaker again believes the Honorable U.S. District Court and jury will
16 find sufficient evidence in the months, and possible years to come, of another corrupt
17 Hawaiian government agency that needs Federal investigation.

18 **304.** Filmmaker will depose all of the parties at the Hawaii Film Office and past UPMs
19 and line producer of every single past film to prove there is widespread and gross
20 incompetence at every level.

21 **305.** Filmmaker also plans to file a whistleblower lawsuit against the Hawaii Film
22 Office and the Hollywood studios for wasting the taxpayer’s money. Filmmaker will file
23 motions to compel the paperwork to see every single budget that the Film Office has
24 given millions of dollars to the studios and yet denied a simple rebate to the Filmmaker.

25 **306.** On or about December 2017, Filmmaker finished the final paperwork and
26 contacted the Defendant Hawaii Film Office to begin the tax rebate final process and was
27 told the tax certificate would be sent within 3 to 6 months. – which is also stated on the
28

1 Hawaii Film Office website and on their official forms. It is now October 2018 at the
2 time of the filing of this suit. This is tragic in every respect.

3 **307.** Again, having the tax certificate was critical in both post-production money and
4 for the investors. The Defendants were fully aware of this.

5 **308.** Despite numerous emails, Defendants repeatedly dragged their feet and returned
6 emails sometimes a month later.

7 **309.** They then stated Filmmaker had to do other tasks that were never in the intital
8 conversations.

9 **310.** Filmmaker shook his head in disbelief. Filmmaker immediately sensed something
10 was terribly wrong.

11 **311.** Again, Defendants hid the relationships of those that created friction and their
12 motives of 'teaching the filmmaker a lesson' by delaying the tax certificate to now 9
13 months. This a textbook fraud and deceit.

14 **312.** Again, Filmmaker would never have filmed a movie in Hawaii had he known of
15 this fraud and deceit, misrepresentation, civil conspiracy and other conduct the Hawaii Film
16 Office would so brazenly do.

17 **313.** Furthermore, they even admitted themselves that the office has come under
18 intense scrutiny by legislatures for previous blunders which will be part of the
19 whistleblower lawsuit. This again is total fraud and deceit and a total conflict of interest.

20 **314.** Defendants went beyond being crafty/sneaky to fraud and deceit as the Court will
21 see throughout this Complaint. These are the most dishonorable actions that Filmmaker
22 has ever worked with in 22 years. Here Filmmaker shot a movie that would honor a
23 Hawaiian Chiefess, pay good-paying jobs to Hawaiian/Polynesians, and the Hawaii Film
24 Office back-stabbed him by deceiving him and playing little juvenile high-school games
25 no other film office of any state would dare to do.

26 **315.** If in fact, the Hollywood studios have not gone through this level of fraud, then
27 the Hawaii Film Office, complete with starry, wide eyes, have discriminated against the
28 Filmmaker either through his religious beliefs (a violation of the First Amendment) or

1 against him as an independent filmmaker (a violation of the Hawaii Whistleblower Act)

2 This is a text-book case of self-dealing.

3 316. On or about August 2018, Filmmaker sent several emails to the Attorney
4 General's office and the Governor's office to attempt to understand why the Hawaii Film
5 Office was taking so long. The Hawaii Film Office refused to answer any emails.

6 317. Something was truly wrong here.

7 318. Finally, after legal threats, the Hawaii Film Office, in the most overt fraud of
8 perhaps any governmental agency in the state, then sent Filmmaker an astounding list of
9 complete lies and fabrications.

10 319. Defendants said because Filmmaker has not proved any of his receipts, he is not
11 entitled to a 20% rebate. Filmmaker immediately knew he was duped.

12 320. The Hawaii Film Office sent a list of requirements that are filled with complete
13 fraud and lies. It's almost jaw-dropping how each remaining requirement had already
14 been fulfilled.

15 321. The Hawaii Film Office sent a one-page sheet that looked like it took ten minutes
16 to do – not 9 months (see Exhibit A). The Filmmaker will show this smacks of the
17 juvenile and utterly fraudulent way the Hawaii Film Office went to avoid paying the 20%
18 rebate.

19 322. Among the several 'items' that Hawaii Film Office said the Filmmaker had to
20 prove was the actual shooting location of Kualoa Ranch (See Exhibit A). Filmmaker sent
21 the bill, the cancelled checks, and the Defendants still said Filmmaker could not prove
22 this expense. A simple phone call could verify this expenditure.

23 323. The sheet again shows scores of names of crew that Filmmaker already gave the
24 Hawaii Film Office every single GET Tax ID that they required. Yet it ignores key
25 actor's salaries, key equipment rentals, hotels – it's an absolute fraudulent document.⁶

26
27 ⁶ The one-sheet contains over 50 crew and cast that have already been
28 accounted for. The only way to explain the red marks is the Hawaii Film

1 324. Defendants Benita Brazier and Donne Dawson clearly acted outside the scope of
2 their agency in wanting to pay back Filmmaker in retribution for several reasons
3 Filmmaker will prove at trial.

4 325. The State of Hawaii should not defend Ms. Brazier or Ms. Dawson.

5 326. Filmmaker will call on several key witnesses in the cast, crew, and extras to prove
6 the Film Office is in disarray. He expects the trial to go for at least ten weeks and asks the
7 Honorable Court's patience as Filmmaker is bracing for extensive discovery (and
8 possible Motions to Compel with sanctions) to take place during this litigation.

9 327. This case is very important as there must be freedom of speech in Hawaii and that
10 federal law still supercedes state law. Hawaii is part of America and most Hawaiians
11 want that.

12 328. Filmmaker will subpoena every crew member for depositions to testify to the
13 events as true. And if Defendants lie during their sworn depositions, Filmmaker will file a
14 criminal complaint with the D.A. for perjury and possible Federal intervention.
15 Filmmaker will begin depositions within 30 days of the service of the Complaint to get a
16 head start on all discovery.

17 329. Filmmaker believes the damages to the movie are permanent and irrecoverable
18 due to Defendant's actions.

19 330. It is paramount that the Honorable Court grant Filmmaker broad discretion in
20 ascertaining what is going on as Filmmaker expects to file multiple Motions to Compel as
21 the Defendants have proven themselves deftly good at avoiding or ignoring questions
22 pertaining to their conduct.

23 331. Defendant's actions left the film in total chaos. The film went overbudget because
24 of their actions and the Filmmaker had to pay the overbudget out of his own pocket.

25
26 Office is doing everything possible to sabotage and not pay Filmmaker. This
27 is indisputable evidence. Filmmaker will submit all of the evidence during
28 discovery and will file a Motion to seal the documents.

1 332. Again, Filmmaker testifies, under penalty of perjury, that he has never sued any
2 governmental agency in his entire life.

3 333. Filmmaker will depose Defendants Benita Brazier, Donne Dawson in November.
4 He will then depose other filmmakers who have shot movies in Hawaii.

5 334. Filmmaker will file a Pre-Judgment Writ of Attachment on all of Defendant's
6 personal and corporate assets and believes he has been damaged by no less than \$135
7 million in actual and punitive damages and will spend the next 5 years outlying the case
8 against the Defendants. They need to be punished severely for their contemptible
9 mistreatment of a filmmaker who tried to honor the people of Hawaii and their valiant
10 and courageous leader two hundred years ago.

11 335. Filmmaker is exiting making the next films in Hawaii and the damages are stark
12 and real – due mostly because of Defendant's fraud and deceit. This will be calculated in
13 the damages against Defendants.

14
15 **COUNT 4 – BREACH OF WRITTEN CONTRACT**

16
17 336. Filmmaker repeats and realleges each and every allegation contained in
18 paragraphs 1 through 334 above as if fully set forth herein.

19 337. Filmmakers performed all obligations required by to be performed under the
20 written, signed contract except for those obligations waived, excused, or prevented by
21 defendants.

22 338. On or about April 2017, Filmmaker began pre-production of one of most
23 ambitious movies on Hawaii history ever - on the lives of Chiefess Kapiolani, King
24 Kamehameha, Captain Cook, and Queen Liliuokalani.

25 339. The film made news around the world, including US News and World Report,
26 NBC, ABC, and local Hawaiian media (Hawaii News Now, Star Advertiser, KHON,
27 KITV, et al).
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1 **340.** As the Plaintiff/Filmmaker Tim Chey is a devout Christian, the first film he
2 wanted to put into production was the compelling story of Chiefess Kapiolani who found
3 Christ and went to the top of the volcano to proclaim her new-found faith in the Lord.

4 **341.** Filmmaker enlisted a Native Hawaiian professor at the University of Hawaii who
5 teaches Native Hawaiian history to help research and co-write the script. Yet a core group
6 of people who oppose Christianity in Hawaii conspired against the Filmmaker.
7 Filmmaker has ‘smoking-gun’ evidence of this and will release this during discovery and
8 at the trial.

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10 this case moving forward to a 2019/2020 trial.

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13 that the Film Office gives to all filmmakers. This was extremely important to the
14 Filmmaker as many production companies base their entire decision for where to film
15 based on the movie tax credits of each state. This is common industry knowledge and
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10 to make sure every 'T' was crossed and every 'I' was dotted. Filmmaker wanted to make
11 sure there would be no problems with getting the 20% rebate back. This was critical as he
12 would not have filmed in Hawaii.

13 **366.** On or about September 2017, Defendant Brazier repeatedly told Filmmaker that
14 he did not need to get the GET Tax Ids for established businesses in Hawaii as they were
15 obviously paying tax to the Hawaii government.

16 **367.** This proved to be yet another misrepresentation.

17 **368.** On or about September 2018, almost a year later, Defendants Dawson and the
18 Hawaii Film Office suddenly demanded that all the GET tax IDs should be listed. This is
19 another brazen and fraudulent attempt to deny Filmmaker his just rebate. Filmmaker did,
20 in fact, list every single GET Tax ID. Somehow, they lost the paperwork or it was
21 maliciously destroyed.

22 **369.** In Defendant's one page sheet they sent to Filmmaker - that possibly took less
23 than an hour to do - not 9 months - they also said the GET Tax IDs were wrong when in
24 fact they were correct. Further proof that they were desperately trying anything to not
25 give the Filmmaker his rebate.

26 **370.** The entire one-page sheet is filled with complete wrong assumptions, numbers,
27 and math. It's like a third-grader put it together hoping this would pass and Filmmaker
28 would go away.

1 **371.** On or about October 2017 and three weeks before shooting, Defendant Brazier
2 contacted the production's UPM and gave the UPM the actual budget figures. This is a
3 text-book case of conflict of interest. The UPM knew Defendant Brazier and was never
4 given authorization to have any confidential numbers or should receive them as this
5 person was only the UPM. The production ended up firing the UPM for gross
6 incompetence and was later sued by the UPM in small claims.

7 **372.** Had Filmmaker known this conflict of interest and gross breach of privacy, he
8 would have immediately requested another contact to work with at the Hawaii Film
9 Office, because of the industry rule/code that key positions should not be filled by ANY
10 partnership team because again if one is fired, the other will quit or have to be fired as
11 well.

12 **373.** Again, this is a textbook case of breaching a written contract.

13 **374.** Filmmaker believes and alleges that the UPM's firing has contributed to the
14 Hawaii Film Office defrauding Filmmaker out of his rightful 20% rebate as the UPM sent
15 a letter to the office violating the confidentiality provision of her signed contract. No
16 other true professional in the industry would do this.

17 **375.** This unprofessional, sneaky, and juvenile high school conduct is another reason
18 why Filmmaker will never film in Hawaii again.

19 **376.** On or about November 2017, Filmmaker, to make sure every single requirement
20 was met, personally emailed Defendant Brazier to have any Film Office employee or
21 government legislator come to the set (see EXHIBIT B). This requirement is buried in the
22 forms, but this email again proves how meticulous Filmmaker was in fulfilling every
23 single requirement including this obscure provision.

24 **377.** On or about November 17, 2017, Filmmaker submitted the preliminary budget to
25 the Film Office (see EXHIBIT C). As the Honorable Court can see, the preliminary
26 requirements were met except for two items which were later fulfilled and never a subject
27 of dispute.

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1 **378.** At no time did the Hawaii Film Office ever contact the Filmmaker to alert him to
2 anything that was not completed or out of the ordinary. In fact, they were silent for
3 almost eight months.

4 **379.** On or about November 20, 2017, Filmmaker again inquired about the \$1,000
5 contribution that was required to be made to the University of Hawaii Foundation (see
6 EXHIBIT D). This again shows how astute and careful Filmmaker was to the
7 requirements set forth by the Hawaii Film Office.⁷

8 **380.** Filmmaker then donated \$1,000 to the University of Hawaii Foundation in
9 accordance to the requirements (Filmmaker and his wife give 90% of their wealth away
10 to charity or to their faith-based endeavors).

11 **381.** On or about December 2017, Filmmaker received the pre-qualification letter (See
12 EXHIBIT E and F). At no point, did the Hawaii Film Office ever question or comment on
13 any part of the film's production or requirements.

14 **382.** Multiple calls from March 2017 to February 2018 to Defendant Brazier again
15 confirmed Filmmaker was on track to receive his rebate.

16 **383.** On or about December 11, 2017, the Hawaii Film Office submitted an email (See
17 EXHIBIT G) which outline precisely the 7 remaining requirements left to get the tax
18 certificate.

19 **384.** Filmmaker fulfilled every single requirement and more so and will testify, under
20 the penalty of perjury (that carries a jail sentence), that every single requirement was
21 fulfilled with complete honesty and integrity.

22 **385.** This will be proven with 'smoking-gun' evidence at trial and during the Motion
23 for Summary Judgment.

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26 ⁷ The \$1,000 requirement is yet another misrepresentation of the Hawaii Film
27 Office's advertising and promotions as this falls beneath the 20% rebate back
28 then, i.e., you have to pay an additional \$1,000 to be considered for a
 rebate.

1 **386.** To reiterate the point again, had Filmmaker not been deceived by Defendant's
2 action, Filmmaker would not have filmed any movie in Hawaii. Period.

3 **387.** Nevertheless, it still gets worse.

4 **388.** On or about December 11, 2017, Filmmaker sent an email simply re-confirming
5 what constitutes a vendor by the Hawaii Film Office (see EXHIBIT H).

6 **389.** In the most juvenile, condescending, and vicious response, Defendant Brazier
7 replied to Defendant Dawson, "Should we use the definition of vendor in the
8 dictionary???" She unwittingly copied herself in her reply to the Filmmaker.

9 **390.** As it turns out, this requirement is the exact same thing the Hawaii Film Office
10 fraudulently used in their desperate attempts to sabotage, smear, and hurt Filmmaker by
11 denying the rebate. They questioned what constitutes a vendor. It's the 'Confederacy of
12 Dunces' all over again.

13 **391.** This also proves the immature lengths the Defendants, collectively, have gone to
14 avoid giving the Filmmaker his earned rebate. It's run like a junior high school.

15 **392.** Again, Filmmaker has worked with the film departments of Connecticut,
16 Louisiana, Georgia, Virginia, North Carolina, California, et al and has never encountered
17 such an immature, hostile, mean-spirited, incompetent, sneaky, slow, sensitive, and
18 manipulative conduct ever. Filmmaker has been in the business for over 22 years again
19 and has made 12 movies.

20 **393.** The Filmmaker again believes the Honorable U.S. District Court and jury will
21 find sufficient evidence in the months, and possible years to come, of another corrupt
22 Hawaiian government agency that needs Federal investigation.

23 **394.** Filmmaker will depose all of the parties at the Hawaii Film Office and past UPMs
24 and line producer of every single past film to prove there is widespread and gross
25 incompetence at every level.

26 **395.** Filmmaker also plans to file a whistleblower lawsuit against the Hawaii Film
27 Office and the Hollywood studios for wasting the taxpayer's money. Filmmaker will file
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1 motions to compel the paperwork to see every single budget that the Film Office has
2 given millions of dollars to the studios and yet denied a simple rebate to the Filmmaker.

3 **396.** On or about December 2017, Filmmaker finished the final paperwork and
4 contacted the Defendant Hawaii Film Office to begin the tax rebate final process and was
5 told the tax certificate would be sent within 3 to 6 months. – which is also stated on the
6 Hawaii Film Office website and on their official forms. It is now October 2018 at the
7 time of the filing of this suit. This is tragic in every respect.

8 **397.** Again, having the tax certificate was critical in both post-production money and
9 for the investors. The Defendants were fully aware of this.

10 **398.** Despite numerous emails, Defendants repeatedly dragged their feet and returned
11 emails sometimes a month later.

12 **399.** They then stated Filmmaker had to do other tasks that were never in the intital
13 conversations.

14 **400.** Filmmaker shook his head in disbelief. Filmmaker immediately sensed something
15 was terribly wrong.

16 **401.** Again, Defendants hid the relationships of those that created friction and their
17 motives of ‘teaching the filmmaker a lesson’ by delaying the tax certificate to now 9
18 months. This a textbook fraud and deceit and breach of contract.

19 **402.** Again, Filmmaker would never have filmed a movie in Hawaii had he known of
20 this fraud and deceit, misrepresentation, civil conspiracy and other conduct the Hawaii Film
21 Office would so brazenly do.

22 **403.** Furthermore, they even admitted themselves that the office has come under
23 intense scrutiny by legislatures for previous blunders which will be part of the
24 whistleblower lawsuit. This again is total fraud and deceit and a total conflict of interest.

25 **404.** Defendants went beyond being crafty/sneaky to fraud and deceit as the Court will
26 see throughout this Complaint. These are the most dishonorable actions that Filmmaker
27 has ever worked with in 22 years. Here Filmmaker shot a movie that would honor a
28 Hawaiian Chiefess, pay good-paying jobs to Hawaiian/Polynesians, and the Hawaii Film

1 Office back-stabbed him by deceiving him and playing little juvenile high-school games
2 no other film office of any state would dare to do.

3 **405.** If in fact, the Hollywood studios have not gone through this level of fraud, then
4 the Hawaii Film Office, complete with starry, wide eyes, have discriminated against the
5 Filmmaker either through his religious beliefs (a violation of the First Amendment) or
6 against him as an independent filmmaker (a violation of the Hawaii Whistleblower Act)
7 This is a text-book case of self-dealing.

8 **406.** On or about August 2018, Filmmaker sent several emails to the Attorney
9 General's office and the Governor's office to attempt to understand why the Hawaii Film
10 Office was taking so long. The Hawaii Film Office refused to answer any emails.

11 **407.** Something was truly wrong here.

12 **408.** Finally, after legal threats, the Hawaii Film Office, in the most overt fraud of
13 perhaps any governmental agency in the state, then sent Filmmaker an astounding list of
14 complete lies and fabrications.

15 **409.** Defendants said because Filmmaker has not proved any of his receipts, he is not
16 entitled to a 20% rebate. Filmmaker immediately knew he was duped.

17 **410.** The Hawaii Film Office sent a list of requirements that are filled with complete
18 fraud and lies. It's almost jaw-dropping how each remaining requirement had already
19 been fulfilled.

20 **411.** The Hawaii Film Office sent a one-page sheet that looked like it took ten minutes
21 to do – not 9 months (see Exhibit A). The Filmmaker will show this smacks of the
22 juvenile and utterly fraudulent way the Hawaii Film Office went to avoid paying the 20%
23 rebate.

24 **412.** Among the several 'items' that Hawaii Film Office said the Filmmaker had to
25 prove was the actual shooting location of Kualoa Ranch (See Exhibit A). Filmmaker sent
26 the bill, the cancelled checks, and the Defendants still said Filmmaker could not prove
27 this expense. A simple phone call could verify this expenditure.

1 413. The sheet again shows scores of names of crew that Filmmaker already gave the
2 Hawaii Film Office every single GET Tax ID that they required. Yet it ignores key
3 actor's salaries, key equipment rentals, hotels – it's an absolute fraudulent document.⁸

4 414. Defendants Benita Brazier and Donne Dawson clearly acted outside the scope of
5 their agency in wanting to pay back Filmmaker in retribution for several reasons
6 Filmmaker will prove at trial.

7 415. The State of Hawaii should not defend Ms. Brazier or Ms. Dawson.

8 416. Filmmaker will call on several key witnesses in the cast, crew, and extras to prove
9 the Film Office is in disarray. He expects the trial to go for at least ten weeks and asks the
10 Honorable Court's patience as Filmmaker is bracing for extensive discovery (and
11 possible Motions to Compel with sanctions) to take place during this litigation.

12 417. This case is very important as there must be freedom of speech in Hawaii and that
13 federal law still supercedes state law. Hawaii is part of America and most Hawaiians
14 want that.

15 418. Filmmaker will subpoena every crew member for depositions to testify to the
16 events as true. And if Defendants lie during their sworn depositions, Filmmaker will file a
17 criminal complaint with the D.A. for perjury and possible Federal intervention.
18 Filmmaker will begin depositions within 30 days of the service of the Complaint to get a
19 head start on all discovery.

20 419. Filmmaker believes the damages to the movie are permanent and irrecoverable
21 due to Defendant's actions.

22
23
24 ⁸ The one-sheet contains over 50 crew and cast that have already been
25 accounted for. The only way to explain the red marks is the Hawaii Film
26 Office is doing everything possible to sabotage and not pay Filmmaker. This
27 is indisputable evidence. Filmmaker will submit all of the evidence during
28 discovery and will file a Motion to seal the documents.

1 420. It is paramount that the Honorable Court grant Filmmaker broad discretion in
2 ascertaining what is going on as Filmmaker expects to file multiple Motions to Compel as
3 the Defendants have proven themselves deftly good at avoiding or ignoring questions
4 pertaining to their conduct.

5 421. Defendant's actions left the film in total chaos. The film went overbudget because
6 of their actions and the Filmmaker had to pay the overbudget out of his own pocket.

7 422. Again, Filmmaker testifies, under penalty of perjury, that he has never sued any
8 governmental agency in his entire life.

9 423. Filmmaker will depose Defendants Benita Brazier, Donne Dawson in November.
10 He will then depose other filmmakers who have shot movies in Hawaii.

11 424. Filmmaker will file a Pre-Judgment Writ of Attachment on all of Defendant's
12 personal and corporate assets and believes he has been damaged by no less than \$135
13 million in actual and punitive damages and will spend the next 5 years outlying the case
14 against the Defendants. They need to be punished severely for their contemptible
15 mistreatment of a filmmaker who tried to honor the people of Hawaii and their valiant
16 and courageous leader two hundred years ago.

17 425. Filmmaker is exiting making the next films in Hawaii and the damages are stark
18 and real – due mostly because of Defendant's fraud and deceit. This will be calculated in
19 the damages against Defendants.

20 426. Filmmaker also will depose crew members and others who Defendants divulged
21 confidential information.

22 427. Filmmakers request the court to expedite discovery and set a trial date in the most
23 expeditious manner if possible.

24 428. As a direct and proximate result of the foregoing material breaches of the
25 signed, written contract, Filmmakers have been damaged in an aggregate amount to
26 be determined at trial, in excess of the jurisdictional minimum of this court, believed
27 to be no less than \$135 million.
28

COUNT 5 – INTENTIONAL MISREPRESENTATION

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2
3 429. Filmmaker repeats and realleges each and every allegation contained in
4 paragraphs 1 through 425 above as if fully set forth herein.

5 430. To prevail on a cause of action of intentional misrepresentation, a plaintiff must
6 show that there exists: (1) A representation; (2) which is material to the transaction at
7 hand; (3) made falsely, with knowledge of its falsity or recklessness as to whether it is
8 true or false; (4) with the intention of misleading another party into relying on it; (5)
9 justifiable reliance on the misrepresentation; and (6) the resulting injury was proximately
10 caused by the reliance. Plaintiff is very confident that any reasonable jury will find all of
11 the causes of action present in the ongoing facts and will find in favor of the Plaintiff.

12 431. On or about March 2017, Filmmaker decided to film 'The Islands' after being
13 assured that the Defendant Hawaii Film Office would give a 20% rebate on the budget
14 that the Film Office gives to all filmmakers. This was extremely important to the
15 Filmmaker as many production companies base their entire decision for where to film
16 based on the movie tax credits of each state. This is common industry knowledge and
17 practice.

18 432. Also, the 20% rebate is critically important for P&A (prints and advertising) for
19 the film's exposure and marketing funds.

20 433. Had Filmmaker known that Defendants would even attempt not to reward the
21 20% rebate because they didn't like the content of the movie, the Filmmaker's beliefs, or
22 his personality per se, Filmmaker would never have even launched such a huculean effort
23 in making the film, including casting an Academy-Award winning actress, a legendary
24 actor, and a 98% Native Polynesian cast. Filmmaker would simply have made another
25 film in another state. Filmmaker has made 12 movies in 22 years. He did not need the
26 horrific grief imposed by Defendants collectively.

27 434. It is very rare for any governmental agency to act as juvenile, vindictive, and
28 incompetent as the Hawaii Film Office. It's astonishing as Filmmaker has worked with

1 the Connecticut, Louisiana, Virginia, Fiji, California, Michigan, and North Carolina film
2 offices with absolutely no issues or problems. In fact, the Connecticut Film Office gave
3 Filmmaker his 30% tax rebate for 'Freedom' (Cuba Gooding, Jr., Sharon Leal, William
4 Sadler) within 30 days after the paperwork was turned in.

5 **435.** From the start of the movie until post-production, Filmmaker made the 20%
6 rebate the number one priority as he realized how significant the rebate was. It was 20%
7 of the entire budget and this was to put bread on the table of a faith-based filmmaker.

8 **436.** On or about April 2017, Filmmaker received a strange message from one of the
9 employees of the Hawaii Film Office. She said she had 'concerns' about Filmmaker's
10 movie and to call her. Filmmaker returned her call and assured her that one of his co-
11 writers was a well-respected Native Hawaiian professor at the University of Hawaii who
12 taught Native Hawaiian history.

13 **437.** Nevertheless, this is a complete violation of Filmmaker's 1st Amendment rights
14 for a government agency to inquire about the content of a movie – it's almost unheard of.
15 Imagine a California agency calling a Hollywood studio and 'inquiring' about the content
16 of the horror movie 'The Nun'. The outrage would be worldwide. This is no different.

17 **438.** Having a Hawaii state agency calling to say there's a problem with Filmmaker's
18 Christian movie reeks of 1st Amendment problems of free speech.

19 **439.** The history of Chiefess Kapiolani's leadership brought Christianity to Hawaii.
20 This is the issue of those who oppose it. Filmmaker gets it and totally understands the
21 hatred as Jesus himself said "If they hated me, they will hate you." (John 15:18).

22 **440.** Nevertheless, Hawaii is officially part of the United States and must adhere to
23 federal laws or there will be absolute chaos. The rejection of the rebate to Filmmaker is
24 the beginning of the end and shows the Defendants collectively breached the implied
25 covenant of good faith starkly and maliciously.

26 **441.** Again, the film is based on a true story and anything done on the governmental
27 level to oppose Filmmaker is complete and total discrimination against his religion and
28 unequivocally violates the Filmmaker's First Amendment rights to free speech.

1 442. The events of the core group to oppose Filmmaker's telling of the history started
2 the entire chain-of-events as Filmmaker would not back down from making the film.

3 443. Filmmaker received death threats before and during shooting. His staff had to file
4 police reports to the incompetent Honolulu police who did absolutely nothing despite
5 even having the name of the alleged perpetrator.

6 444. Filmmaker alleges that possible elements or people in the Hawaii Film Office
7 have also been part of a smear campaign against many historical Hawaiian films,
8 including Filmmaker's movie.

9 445. In addition to death threats, Filmmaker was up against many other deep hurdles,
10 including union threats and Hawaiian activists who threatened to shut down the
11 production on numerous instances.

12 446. In over 60 emails and phone calls, Filmmaker worked diligently to make sure
13 every single receipt, GET tax id of every single crew member and cast member was
14 obtained.

15 447. Filmmaker fulfilled each and every requirement methodically and precisely
16 because he knew the Defendant Hawaii Film Office might try something sneaky.
17 Filmmaker even has proof that one email mistakenly forwarded to Filmmaker showed
18 the Defendants were already conspiring to 'get' Filmmaker' (See Exhibit H).

19 448. This process of getting all the requirements for the Hawaii Film Office took over
20 13 weeks and Filmmaker calculates over 240 hours of man time.

21 449. Filmmaker is also a Harvard-educated attorney and bills at \$550 an hour. So by
22 just multiplying 240 x \$550 would come to \$192,000. This is how important the rebate
23 back from the Hawaii Film Office was to the Filmmaker and the Filmmaker asks the
24 Court to consider the \$192,000 as additional damages aside from the punitive damages.

25 450. Again, the Hawaii Film Office has blatantly lied in their refusal to credit the
26 Filmmaker with the 20% rebate. There is no reason, outside of their wanting to teach
27 Filmmaker a lesson, to withhold the tax certificate. Filmmaker fulfilled every
28 requirement.

1 **451.** Filmmaker tries to show the love of Jesus to everyone he can. However, should
2 Defendants even broach any issues that demean or slander Filmmaker, Filmmaker will
3 amend this lawsuit to include defamation and/or libel and slander. Filmmaker is very
4 confident he would win any Anti-Slapp Motion as he has been more than diligent in the
5 entire application process.

6 **452.** The fact that Defendants did not alert Filmmaker that he was 'lacking' in further
7 proof of receipts for more than 9 months is further proof of fraud and deceit that would
8 later rise up again on much more serious levels.

9 **453.** On or about September 2017, Filmmaker put in several calls to Defendant Brazier
10 to make sure every 'T' was crossed and every 'I' was dotted. Filmmaker wanted to make
11 sure there would be no problems with getting the 20% rebate back. This was critical as he
12 would not have filmed in Hawaii.

13 **454.** On or about September 2017, Defendant Brazier repeatedly told Filmmaker that
14 he did not need to get the GET Tax Ids for established businesses in Hawaii as they were
15 obviously paying tax to the Hawaii government.

16 **455.** This proved to be another intentional or negligent misrepresentation.

17 **456.** On or about September 2018, almost a year later, Defendants Dawson and the
18 Hawaii Film Office suddenly demanded that all the GET tax IDs should be listed. This is
19 another brazen and fraudulent attempt to deny Filmmaker his just rebate. Filmmaker did,
20 in fact, list every single GET Tax ID. Somehow, they lost the paperwork or it was
21 maliciously destroyed.

22 **457.** Filmmaker has already counted over 45 instances of misrepresentation in the one-
23 sheet the Defendants sent Filmmaker after 9 months. Filmmaker will more than prove
24 this in the Court of Law. This cause of action of intentional misrepresentation is stark and
25 provable.

26 **458.** In Defendant's one page sheet they sent to Filmmaker - that possibly took less
27 than an hour to do - not 9 months - they also said the GET Tax IDs were wrong when in
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1 fact they were correct. Further proof that they were desperately trying anything to not
2 give the Filmmaker his rebate.

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4 and math. It's like a third-grader put it together hoping this would pass and Filmmaker
5 would go away.

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7 contacted the production's UPM and gave the UPM the actual budget figures. This is a
8 text-book case of conflict of interest. The UPM knew Defendant Brazier and was never
9 given authorization to have any confidential numbers or should receive them as this
10 person was only the UPM. The production ended up firing the UPM for gross
11 incompetence and was later sued by the UPM in small claims.

12 **461.** Had Filmmaker known this conflict of interest and gross breach of privacy, he
13 would have immediately requested another contact to work with at the Hawaii Film
14 Office, because of the industry rule/code that key positions should not be filled by ANY
15 partnership team because again if one is fired, the other will quit or have to be fired as
16 well.

17 **462.** Again, this is a textbook case of breaching an implied good covenant in dealings.

18 **463.** Filmmaker believes and alleges that the UPM's firing has contributed to the
19 Hawaii Film Office defrauding Filmmaker out of his rightful 20% rebate as the UPM sent
20 a letter to the office violating the confidentiality provision of her signed contract. No
21 other true professional in the industry would do this.

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23 why Filmmaker will never film in Hawaii again.

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6 **475.** To reiterate the point again, had Filmmaker not been deceived by Defendant’s
7 action, Filmmaker would not have filmed any movie in Hawaii. Period.

8 **476.** Nevertheless, it still gets worse.

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6 has ever worked with in 22 years. Here Filmmaker shot a movie that would honor a
7 Hawaiian Chiefess, pay good-paying jobs to Hawaiian/Polynesians, and the Hawaii Film
8 Office back-stabbed him by deceiving him and playing little juvenile high-school games
9 no other film office of any state would dare to do.

10 494. If in fact, the Hollywood studios have not gone through this level of fraud, then
11 the Hawaii Film Office, complete with starry, wide eyes, have discriminated against the
12 Filmmaker either through his religious beliefs (a violation of the First Amendment) or
13 against him as an independent filmmaker (a violation of the Hawaii Whistleblower Act)
14 This is a text-book case of self-dealing.

15 495. On or about August 2018, Filmmaker sent several emails to the Attorney
16 General's office and the Governor's office to attempt to understand why the Hawaii Film
17 Office was taking so long. The Hawaii Film Office refused to answer any emails.

18 496. Something was truly wrong here.

19 497. Finally, after legal threats, the Hawaii Film Office, in the most overt fraud of
20 perhaps any governmental agency in the state, then sent Filmmaker an astounding list of
21 complete lies and fabrications.

22 498. Defendants said because Filmmaker has not proved any of his receipts, he is not
23 entitled to a 20% rebate. Filmmaker immediately knew he was duped.

24 499. The Hawaii Film Office sent a list of requirements that are filled with complete
25 fraud and lies. It's almost jaw-dropping how each remaining requirement had already
26 been fulfilled.

27 500. The Hawaii Film Office sent a one-page sheet that looked like it took ten minutes
28 to do – not 9 months (see Exhibit A). The Filmmaker will show this smacks of the

1 juvenile and utterly fraudulent way the Hawaii Film Office went to avoid paying the 20%
2 rebate.

3 501. It's also intentional misrepresentation as the Hawaii Film Office states every
4 filmmaker will receive their rebate back in 3-6 months. It's now been 10 months and no
5 end in sight.

6 502. Among the several 'items' that Hawaii Film Office said the Filmmaker had to
7 prove was the actual shooting location of Kualoa Ranch (See Exhibit A). Filmmaker sent
8 the bill, the cancelled checks, and the Defendants still said Filmmaker could not prove
9 this expense. A simple phone call could verify this expenditure.

10 503. The sheet again shows scores of names of crew that Filmmaker already gave the
11 Hawaii Film Office every single GET Tax ID that they required. Yet it ignores key
12 actor's salaries, key equipment rentals, hotels – it's an absolute fraudulent document.¹⁰

13 504. Defendants Benita Brazier and Donne Dawson clearly acted outside the scope of
14 their agency in wanting to pay back Filmmaker in retribution for several reasons
15 Filmmaker will prove at trial.

16 505. The State of Hawaii should not defend Ms. Brazier or Ms. Dawson.

17 506. Filmmaker will call on several key witnesses in the cast, crew, and extras to prove
18 the Film Office is in disarray. He expects the trial to go for at least ten weeks and asks the
19 Honorable Court's patience as Filmmaker is bracing for extensive discovery (and
20 possible Motions to Compel with sanctions) to take place during this litigation.

21
22
23
24 ¹⁰ The one-sheet contains over 50 crew and cast that have already been
25 accounted for. The only way to explain the red marks is the Hawaii Film
26 Office is doing everything possible to sabotage and not pay Filmmaker. This
27 is indisputable evidence. Filmmaker will submit all of the evidence during
28 discovery and will file a Motion to seal the documents.

1 507. This case is very important as there must be freedom of speech in Hawaii and that
2 federal law still supercedes state law. Hawaii is part of America and most Hawaiians
3 want that.

4 508. Filmmaker will subpoena every crew member for depositions to testify to the
5 events as true. And if Defendants lie during their sworn depositions, Filmmaker will file a
6 criminal complaint with the D.A. for perjury and possible Federal intervention.
7 Filmmaker will begin depositions within 30 days of the service of the Complaint to get a
8 head start on all discovery.

9 509. Filmmaker believes the damages to the movie are permanent and irrecoverable
10 due to Defendant's actions.

11 510. It is paramount that the Honorable Court grant Filmmaker broad discretion in
12 ascertaining what is going on as Filmmaker expects to file multiple Motions to Compel as
13 the Defendants have proven themselves deftly good at avoiding or ignoring questions
14 pertaining to their conduct.

15 511. Defendant's actions left the film in total chaos. The film went overbudget because
16 of their actions and the Filmmaker had to pay the overbudget out of his own pocket.

17 512. Again, Filmmaker testifies, under penalty of perjury, that he has never sued any
18 governmental agency in his entire life.

19 513. Filmmaker will depose Defendants Benita Brazier, Donne Dawson in November.
20 He will then depose other filmmakers who have shot movies in Hawaii.

21 514. Filmmaker will file a Pre-Judgment Writ of Attachment on all of Defendant's
22 personal and corporate assets and believes he has been damaged by no less than \$135
23 million in actual and punitive damages and will spend the next 5 years outlying the case
24 against the Defendants. They need to be punished severely for their contemptible
25 mistreatment of a filmmaker who tried to honor the people of Hawaii and their valiant
26 and courageous leader two hundred years ago.

27
28 **COUNT 6 – NEGLIGENT MISREPRESENTATION**

1
2 515. Filmmaker repeats and realleges each and every allegation contained in
3 paragraphs 1 through 515 above as if fully set forth herein.

4 516. The courts have looked at four causes of action for negligent misrepresentation
5 which are i) a representation is made by defendant to Plaintiff where defendant has a
6 pecuniary interest; ii) defendant supplies false information; iii) defendant did not exercise
7 reasonable care; iv) Plaintiff suffered consequences/damages

8 517. Filmmaker fulfilled each and every requirement methodically and precisely
9 because he knew the Defendant Hawaii Film Office might try something sneaky.

10 Filmmaker even has proof that one email mistakenly forwarded to Filmmaker showed
11 the Defendants were already conspiring to 'get' Filmmaker' (See Exhibit H).

12 518. This process of getting all the requirements for the Hawaii Film Office took over
13 13 weeks and Filmmaker calculates over 240 hours of man time.

14 519. Filmmaker is also a Harvard-educated attorney and bills at \$550 an hour. So by
15 just multiplying 240 x \$550 would come to \$192,000. This is how important the rebate
16 back from the Hawaii Film Office was to the Filmmaker and the Filmmaker asks the
17 Court to consider the \$192,000 as additional damages aside from the punitive damages.

18 520. Again, the Hawaii Film Office has blatantly lied in their refusal to credit the
19 Filmmaker with the 20% rebate. There is no reason, outside of their wanting to teach
20 Filmmaker a lesson, to withhold the tax certificate. Filmmaker fulfilled every
21 requirement. This is more than just negligent misrepresentation – this is civil
22 conspiracy.

23 521. Filmmaker tries to show the love of Jesus to everyone he can. Should Defendants
24 even broach any issues that demean or slander Filmmaker, Filmmaker will amend this
25 lawsuit to include defamation and/or libel and slander. Filmmaker is very confident he
26 would win any Anti-Slapp Motion as he has been more than diligent in the entire
27 application process.
28

1 **522.** The fact that Defendants did not alert Filmmaker that he was 'lacking' in further
2 proof of receipts for more than 9 months is further proof of fraud and deceit that would
3 later rise up again on much more serious levels.

4 **523.** On or about September 2017, Filmmaker put in several calls to Defendant Brazier
5 to make sure every 'T' was crossed and every 'I' was dotted. Filmmaker wanted to make
6 sure there would be no problems with getting the 20% rebate back. This was critical as he
7 would not have filmed in Hawaii.

8 **524.** On or about September 2017, Defendant Brazier repeatedly told Filmmaker that
9 he did not need to get the GET Tax Ids for established businesses in Hawaii as they were
10 obviously paying tax to the Hawaii government.

11 **525.** This proved to be yet another misrepresentation.

12 **526.** On or about September 2018, almost a year later, Defendants Dawson and the
13 Hawaii Film Office suddenly demanded that all the GET tax IDs should be listed. This is
14 another brazen and fraudulent attempt to deny Filmmaker his just rebate. Filmmaker did,
15 in fact, list every single GET Tax ID. Somehow, they lost the paperwork or it was
16 maliciously destroyed.

17 **527.** In Defendant's one page sheet they sent to Filmmaker - that possibly took less
18 than an hour to do - not 9 months - they also said the GET Tax IDs were wrong when in
19 fact they were correct. Further proof that they were desperately trying anything to not
20 give the Filmmaker his rebate.

21 **528.** The entire one-page sheet is filled with complete wrong assumptions, numbers,
22 and math. It's like a third-grader put it together hoping this would pass and Filmmaker
23 would go away.

24 **529.** On or about October 2017 and three weeks before shooting, Defendant Brazier
25 contacted the production's UPM and gave the UPM the actual budget figures. This is a
26 text-book case of conflict of interest. The UPM knew Defendant Brazier and was never
27 given authorization to have any confidential numbers or should receive them as this
28

1 person was only the UPM. The production ended up firing the UPM for gross
2 incompetence and was later sued by the UPM in small claims.

3 **530.** Had Filmmaker known this conflict of interest and gross breach of privacy, he
4 would have immediately requested another contact to work with at the Hawaii Film
5 Office, because of the industry rule/code that key positions should not be filled by ANY
6 partnership team because again if one is fired, the other will quit or have to be fired as
7 well.

8 **531.** On or about November 2017, Filmmaker, to make sure every single requirement
9 was met, personally emailed Defendant Brazier to have any Film Office employee or
10 government legislator come to the set (see EXHIBIT B). This requirement is buried in the
11 forms, but this email again proves how meticulous Filmmaker was in fulfilling every
12 single requirement including this obscure provision.

13 **532.** On or about November 17, 2017, Filmmaker submitted the preliminary budget to
14 the Film Office (see EXHIBIT C). As the Honorable Court can see, the preliminary
15 requirements were met except for two items which were later fulfilled and never a subject
16 of dispute.

17 **533.** At no time did the Hawaii Film Office ever contact the Filmmaker to alert him to
18 anything that was not completed or out of the ordinary. In fact, they were silent for
19 almost eight months.

20 **534.** On or about November 20, 2017, Filmmaker again inquired about the \$1,000
21 contribution that was required to be made to the University of Hawaii Foundation (see
22 EXHIBIT D). This again shows how astute and careful Filmmaker was to the
23 requirements set forth by the Hawaii Film Office.¹¹

24
25 ¹¹ The \$1,000 requirement is yet another misrepresentation of the Hawaii Film
26 Office's advertising and promotions as this falls beneath the 20% rebate back
27 then, i.e., you have to pay an additional \$1,000 to be considered for a
28 rebate.

1 **535.** Filmmaker then donated \$1,000 to the University of Hawaii Foundation in
2 accordance to the requirements (Filmmaker and his wife give 90% of their wealth away
3 to charity or to their faith-based endeavors).

4 **536.** On or about December 2017, Filmmaker received the pre-qualification letter (See
5 EXHIBIT E and F). At no point, did the Hawaii Film Office ever question or comment on
6 any part of the film's production or requirements.

7 **537.** Multiple calls from March 2017 to February 2018 to Defendant Brazier again
8 confirmed Filmmaker was on track to receive his rebate.

9 **538.** On or about December 11, 2017, the Hawaii Film Office submitted an email (See
10 EXHIBIT G) which outline precisely the 7 remaining requirements left to get the tax
11 certificate.

12 **539.** Filmmaker fulfilled every single requirement and more so and will testify, under
13 the penalty of perjury (that carries a jail sentence), that every single requirement was
14 fulfilled with complete honesty and integrity.

15 **540.** This will be proven with 'smoking-gun' evidence at trial and during the Motion
16 for Summary Judgment.

17 **541.** To reiterate the point again, had Filmmaker not been deceived by Defendant's
18 action, Filmmaker would not have filmed any movie in Hawaii. Period.

19 **542.** On or about December 11, 2017, Filmmaker sent an email simply re-confirming
20 what constitutes a vendor by the Hawaii Film Office (see EXHIBIT H).

21 **543.** In the most juvenile, condescending, and vicious response, Defendant Brazier
22 replied to Defendant Dawson, "Should we use the definition of vendor in the
23 dictionary???" She unwittingly copied herself in her reply to the Filmmaker.

24 **544.** As it turns out, this requirement is the exact same thing the Hawaii Film Office
25 fraudulently used in their desperate attempts to sabotage, smear, and hurt Filmmaker by
26 denying the rebate. They questioned what constitutes a vendor. It's the 'Confederacy of
27 Dunces' all over again.

1 **545.** This also proves the immature lengths the Defendants, collectively, have gone to
2 avoid giving the Filmmaker his earned rebate. It's run like a junior high school.

3 **546.** Again, Filmmaker has worked with the film departments of Connecticut,
4 Louisiana, Georgia, Virginia, North Carolina, California, et al and has never encountered
5 such an immature, hostile, mean-spirited, incompetent, sneaky, slow, sensitive, and
6 maniupulative conduct ever. Filmmaker has been in the business for over 22 years again
7 and has made 12 movies.

8 **547.** The Filmmaker again believes the Honorable U.S. District Court and jury will
9 find sufficient evidence in the months, and possible years to come, of another corrupt
10 Hawaiian government agency that needs Federal investigation.

11 **548.** Filmmaker will depose all of the parties at the Hawaii Film Office and past UPMs
12 and line producer of every single past film to prove there is widespread and gross
13 incompetence at every level.

14 **549.** Filmmaker also plans to file a whistleblower lawsuit against the Hawaii Film
15 Office and the Hollywood studios for wasting the taxpayer's money. Filmmaker will file
16 motions to compel the paperwork to see every single budget that the Film Office has
17 given millions of dollars to the studios and yet denied a simple rebate to the Filmmaker.

18 **550.** On or about December 2017, Filmmaker finished the final paperwork and
19 contacted the Defendant Hawaii Film Office to begin the tax rebate final process and was
20 told the tax certificate would be sent within 3 to 6 months. – which is also stated on the
21 Hawaii Film Office website and on their official forms. It is now October 2018 at the
22 time of the filing of this suit. This is tragic in every respect.

23 **551.** Again, having the tax certificate was critical in both post-production money and
24 for the investors. The Defendants were fully aware of this.

25 **552.** Despite numerous emails, Defendants repeatedly dragged their feet and returned
26 emails sometimes a month later.

27 **553.** They then stated Filmmaker had to do other tasks that were never in the intital
28 conversations.

1 554. Filmmaker shook his head in disbelief. Filmmaker immediately sensed something
2 was terribly wrong.

3 555. Again, Defendants hid the relationships of those that created friction and their
4 motives of 'teaching the filmmaker a lesson' by delaying the tax certificate to now 9
5 months. This a textbook case of fraud and deceit.

6 556. Again, Filmmaker would never have filmed a movie in Hawaii had he known of
7 this fraud and deceit, misrepresentation, civil conspiracy and other conduct the Hawaii Film
8 Office would so brazenly do.

9 557. Furthermore, they even admitted themselves that the office has come under
10 intense scrutiny by legislatures for previous blunders which will be part of the
11 whistleblower lawsuit. This again is total fraud and deceit and a total conflict of interest.

12 558. Defendants went beyond being crafty/sneaky to fraud and deceit as the Court will
13 see throughout this Complaint. These are the most dishonorable actions that Filmmaker
14 has ever worked with in 22 years. Here Filmmaker shot a movie that would honor a
15 Hawaiian Chiefess, pay good-paying jobs to Hawaiian/Polynesians, and the Hawaii Film
16 Office back-stabbed him by deceiving him and playing little juvenile high-school games
17 no other film office of any state would dare to do.

18 559. If in fact, the Hollywood studios have not gone through this level of fraud, then
19 the Hawaii Film Office, complete with starry, wide eyes, have discriminated against the
20 Filmmaker either through his religious beliefs (a violation of the First Amendment) or
21 against him as an independent filmmaker (a violation of the Hawaii Whistleblower Act)
22 This is a text-book case of self-dealing.

23 560. On or about August 2018, Filmmaker sent several emails to the Attorney
24 General's office and the Governor's office to attempt to understand why the Hawaii Film
25 Office was taking so long. The Hawaii Film Office refused to answer any emails.

26 561. Something was truly wrong here.
27
28

1 562. Finally, after legal threats, the Hawaii Film Office, in the most overt fraud of
2 perhaps any governmental agency in the state, then sent Filmmaker an astounding list of
3 complete lies and fabrications.

4 563. Defendants said because Filmmaker has not proved any of his receipts, he is not
5 entitled to a 20% rebate. Filmmaker immediately knew he was duped.

6 564. The Hawaii Film Office sent a list of requirements that are filled with complete
7 fraud and lies. It's almost jaw-dropping how each remaining requirement had already
8 been fulfilled.

9 565. The Hawaii Film Office sent a one-page sheet that looked like it took ten minutes
10 to do – not 9 months (see Exhibit A). The Filmmaker will show this smacks of the
11 juvenile and utterly fraudulent way the Hawaii Film Office went to avoid paying the 20%
12 rebate.

13 566. Among the several 'items' that Hawaii Film Office said the Filmmaker had to
14 prove was the actual shooting location of Kualoa Ranch (See Exhibit A). Filmmaker sent
15 the bill, the cancelled checks, and the Defendants still said Filmmaker could not prove
16 this expense. A simple phone call could verify this expenditure. But again, they said any
17 established business didn't require a GET tax id.

18 567. The sheet again shows scores of names of crew that Filmmaker already gave the
19 Hawaii Film Office every single GET Tax ID that they required. Yet it ignores key
20 actor's salaries, key equipment rentals, hotels – it's an absolute fraudulent document.¹²

21
22
23
24 ¹² The one-sheet contains over 50 crew and cast that have already been
25 accounted for. The only way to explain the red marks is the Hawaii Film
26 Office is doing everything possible to sabotage and not pay Filmmaker. This
27 is indisputable evidence. Filmmaker will submit all of the evidence during
28 discovery and will file a Motion to seal the documents.

1 568. Defendants Benita Brazier and Donne Dawson clearly acted outside the scope of
2 their agency in wanting to pay back Filmmaker in retribution for several reasons
3 Filmmaker will prove at trial.

4 569. The State of Hawaii should not defend Ms. Brazier or Ms. Dawson.

5 570. Filmmaker will call on several key witnesses in the cast, crew, and extras to prove
6 the Film Office is in disarray. He expects the trial to go for at least ten weeks and asks the
7 Honorable Court's patience as Filmmaker is bracing for extensive discovery (and
8 possible Motions to Compel with sanctions) to take place during this litigation.

9 571. This case is very important as there must be freedom of speech in Hawaii and that
10 federal law still supercedes state law. Hawaii is part of America and most Hawaiians
11 want that.

12 572. Filmmaker will subpoena every crew member for depositions to testify to the
13 events as true. And if Defendants lie during their sworn depositions, Filmmaker will file a
14 criminal complaint with the D.A. for perjury and possible Federal intervention.
15 Filmmaker will begin depositions within 30 days of the service of the Complaint to get a
16 head start on all discovery.

17 573. Filmmaker believes the damages to the movie are permanent and irrecoverable
18 due to Defendant's actions.

19 574. It is paramount that the Honorable Court grant Filmmaker broad discretion in
20 ascertaining what is going on as Filmmaker expects to file multiple Motions to Compel as
21 the Defendants have proven themselves deftly good at avoiding or ignoring questions
22 pertaining to their conduct.

23 575. Defendant's actions left the film in total chaos. The film went overbudget because
24 of their actions and the Filmmaker had to pay the overbudget out of his own pocket.

25 576. Again, Filmmaker testifies, under penalty of perjury, that he has never sued any
26 governmental agency in his entire life and testifies all of these facts are true.
27
28

1 **577. The penalty of perjury in Court is a federal jail sentence and Filmmaker will**
2 **pursue anyone who lies in Court.** This is the U.S. District Court run by world-class judges
3 who will not tolerate lying to a Federal judge.

4 **578. Filmmaker will depose Defendants Benita Brazier, Donne Dawson in November**
5 **under oath. He will then depose other filmmakers who have shot movies in Hawaii.**

6 **579. Filmmaker will file a Pre-Judgment Writ of Attachment on all of Defendant's**
7 **personal and corporate assets and believes he has been damaged by no less than \$135**
8 **million in actual and punitive damages and will spend the next 5 years outlying the case**
9 **against the Defendants. They need to be punished severely for their contemptible**
10 **mistreatment of a filmmaker who tried to honor the people of Hawaii and their valiant**
11 **and courageous leader two hundred years ago.**

12 **580. Filmmakers request the court to expedite discovery and set a trial date in the most**
13 **expeditious manner if possible.**

14
15 **COUNT 7 – PROMISSORY FRAUD**

16
17 **581. Filmmaker repeats and realleges each and every allegation contained in**
18 **paragraphs 1 through 581 above as if fully set forth herein.**

19 **582. The fraudulent inducements and false representations by Defendants to**
20 **Filmmaker described with particularity in this entire Complaint were communicated to**
21 **Filmmaker through the writer and director both orally and written as set forth therein.**
22 **The promises contained in the signed Hawaii Production Reports were communicated to**
23 **Filmmaker by Defendants as well as by and through other individuals affiliated with**
24 **them orally and in writing. Both said the Defendants would work diligently to fulfill their**
25 **end of the bargain of issuing a rebate. It's up to the jury to decide this ultimate question.**

26 **583. Filmmaker is informed, and believes and, based thereon alleges, that at the time**
27 **Defendants made the above promises, inducements, and representations to Filmmaker to**
28 **induce Filmmaker to enter into the Written Agreement, they were false in that defendants**

1 used these promises, inducements and representations to Filmmaker to make either a
2 salary for themselves or continue the Hawaii Film Office existence.

3 **584.** Filmmaker asks the Court to impose the strictest of punitive damages, but in no
4 event, less than \$25 million in damages for promissory fraud.

5 **585.** Filmmaker is further informed and believes and, based thereon alleges, that such
6 promises, inducements and representations by Defendants were made with the intent to
7 induce Filmmaker to enter into the Hawaii Film Rebate program and to render
8 performance thereunder.

9 **586.** In strict and absolute reliance upon such false promises, inducements, and
10 representations by Defendants, Filmmaker was induced into filming in Hawaii.

11 **587.** At the time Filmmaker took such actions, it was ignorant of the falsity of
12 defendant's promises, inducements and representations and, in the exercise of reasonable
13 diligence, could not have discovered its intentions.

14 **588.** Had Filmmaker known the truth and known of Defendants's intentions, he would
15 not have filmed a movie in Hawaii. Filmmaker has 'smoking gun' evidence in the form
16 of emails sent back and forth between Defendant's employees and Filmmaker that should
17 serve as evidence of true intent.

18 **589.** Filmmaker's intention is very clear: He wanted to make a faith-based film to
19 honor the people of Hawaii. The breaches are crystal-clear, and thus the court should
20 affirm a Motion for Summary Judgment in favor of the Filmmaker.

21 **590.** As a direct and proximate result of the above-described acts of Defendants,
22 Filmmaker has been damaged in an amount to be determined at trial, in excess of the
23 jurisdictional minimum of this court, and believed to be no less than \$25 million.

24 **591.** Defendants's conduct was (a) contemptible conduct which was carried on with a
25 willful and conscious disregard for the rights of the Filmmaker, his career, and for the
26 general public who were deprived of seeing this magnificent film because Defendants
27 had another agenda and refused to put Filmmaker's film before their own vested
28 interests; (b) conduct that subjected Filmmaker to unjust hardship in conscious disregard

1 of its rights; and (c) intentional misrepresentation, deceit or concealment of material facts
2 known to Defendants with the intention of thereby depriving Filmmaker of its property
3 (and timeliness) and legal rights and otherwise causing injury. Said conduct constitutes
4 malice, oppression, and fraud within the meaning of promissory fraud.

5 **592.** Therefore, Filmmaker is entitled to recover exemplary and punitive damages
6 against Defendants, in addition to actual damages, for the sake of example and by way of
7 punishing Defendants.

8
9 **COUNT 8 – BREACH OF IMPLIED CONTRACT**

10
11 **593.** Filmmaker repeats and realleges each and every allegation contained in
12 paragraphs 1 through 593 above as if fully set forth herein.

13 **594.** In the event that the rebate contract is rescinded or terminated with respect to
14 Defendants's obligations, then Filmmaker allege that Defendants is in breach of its oral
15 agreements and implied agreements as well as entitled to punitive damages.

16 **595.** On or about April 2017, Filmmaker began pre-production of one of most
17 ambitious movies on Hawaii history ever - on the lives of Chiefess Kapiolani, King
18 Kamehameha, Captain Cook, and Queen Liliuokalani.

19 **596.** The film made news around the world, including US News and World Report,
20 NBC, ABC, and local Hawaiian media (Hawaii News Now, Star Advertiser, KHON,
21 KITV, et al).

22 **597.** As the Plaintiff/Filmmaker Tim Chey is a devout Christian, the first film he
23 wanted to put into production was the compelling story of Chiefess Kapiolani who found
24 Christ and went to the top of the volcano to proclaim her new-found faith in the Lord.

25 **598.** Filmmaker enlisted a Native Hawaiian professor at the University of Hawaii who
26 teaches Native Hawaiian history to help research and co-write the script. Yet a core group
27 of people who oppose Christianity in Hawaii conspired against the Filmmaker.
28

1 Filmmaker has ‘smoking-gun’ evidence of this and will release this during discovery and
2 at the trial.

3 **599.** Filmmaker is contemplating suing this group later in 2019 – he first wants to get
4 this case moving forward to a 2019/2020 trial.

5 **600.** On or about March 2017, Filmmaker decided to film ‘The Islands’ after being
6 assured that the Defendant Hawaii Film Office would give a 20% rebate on the budget
7 that the Film Office gives to all filmmakers. This was extremely important to the
8 Filmmaker as many production companies base their entire decision for where to film
9 based on the movie tax credits of each state. This is common industry knowledge and
10 practice.

11 **601.** Also, the 20% rebate is critically important for P&A (prints and advertising) for
12 the film’s exposure and marketing funds.

13 **602.** Had Filmmaker known that Defendants would even attempt not to reward the
14 20% rebate because they didn’t like the content of the movie, the Filmmaker’s beliefs, or
15 his personality per se, Filmmaker would never have even launched such a huculean effort
16 in making the film, including casting an Academy-Award winning actress, a legendary
17 actor, and a 98% Native Polynesian cast. Filmmaker would simply have made another
18 film in another state. Filmmaker has made 12 movies in 22 years. He did not need the
19 horrific grief imposed by Defendants collectively.

20 **603.** It is very rare for any governmental agency to act as juvenile, vindictive, and
21 incompetent as the Hawaii Film Office. It’s astonishing as Filmmaker has worked with
22 the Connecticut, Lousiana, Virginia, Fiji, California, Michigan, and North Carolina film
23 offices with absolutely no issues or problems. In fact, the Connecticut Film Office gave
24 Filmmaker his 30% tax rebate for ‘Freedom’ (Cuba Gooding, Jr., Sharon Leal, William
25 Sadler) within 30 days after the paperwork was turned in.

26 **604.** From the start of the movie until post-production, Filmmaker made the 20%
27 rebate the number one priority as he realized how significant the rebate was. It was 20%
28 of the entire budget and this was to put bread on the table of a faith-based filmmaker.

1 **605.** On or about April 2017, Filmmaker received a strange message from one of the
2 employees of the Hawaii Film Office. She said she had ‘concerns’ about Filmmaker’s
3 movie and to call her. Filmmaker returned her call and assured her that one of his co-
4 writers was a well-respected Native Hawaiian professor at the University of Hawaii who
5 taught Native Hawaiian history.

6 **606.** Nevertheless, this is a complete violation of Filmmaker’s 1st Amendment rights
7 for a government agency to inquire about the content of a movie – it’s almost unheard of.
8 Imagine a California agency calling a Hollywood studio and ‘inquiring’ about the content
9 of the horror movie ‘The Nun’. The outrage would be worldwide. This is no different.

10 **607.** Having a Hawaii state agency calling to say there’s a problem with Filmmaker’s
11 Christian movie reeks of 1st Amendment problems of free speech.

12 **608.** The history of Chiefess Kapiolani’s leadership brought Christianity to Hawaii.
13 This is the issue of those who oppose it. Filmmaker gets it and totally understands the
14 hatred as Jesus himself said “If they hated me, they will hate you.” (John 15:18).

15 **609.** Nevertheless, Hawaii is officially part of the United States and must adhere to
16 federal laws or there will be absolute chaos. The rejection of the rebate to Filmmaker is
17 the beginning of the end and shows the Defendants collectively breached the implied
18 covenant of good faith starkly and maliciously.

19 **610.** Again, the film is based on a true story and anything done on the governmental
20 level to oppose Filmmaker is complete and total discrimination against his religion and
21 unequivocally violates the Filmmaker’s First Amendment rights to free speech.

22 **611.** The events of the core group to oppose Filmmaker’s telling of the history started
23 the entire chain-of-events as Filmmaker would not back down from making the film.

24 **612.** Filmmaker received death threats before and during shooting. His staff had to file
25 police reports to the incompetent Honolulu police who did absolutely nothing despite
26 even having the name of the alleged perpetrator.

1 **613.** Filmmaker alleges that possible elements or people in the Hawaii Film Office
2 have also been part of a smear campaign against many historical Hawaiian films,
3 including Filmmaker's movie.

4 **614.** In addition to death threats, Filmmaker was up against many other deep hurdles,
5 including union threats and Hawaiian activists who threatened to shut down the
6 production on numerous instances.

7 **615.** In over 60 emails and phone calls, Filmmaker worked diligently to make sure
8 every single receipt, GET tax id of every single crew member and cast member was
9 obtained.

10 **616.** Filmmaker fulfilled each and every requirement methodically and precisely
11 because he knew the Defendant Hawaii Film Office might try something sneaky.

12 Filmmaker even has proof that one email mistakenly forwarded to Filmmaker showed
13 the Defendants were already conspiring to 'get' Filmmaker' (See Exhibit H).

14 **617.** This process of getting all the requirements for the Hawaii Film Office took over
15 13 weeks and Filmmaker calculates over 240 hours of man time.

16 **618.** Filmmaker is also a Harvard-educated attorney and bills at \$550 an hour. So by
17 just multiplying 240 x \$550 would come to \$192,000. This is how important the rebate
18 back from the Hawaii Film Office was to the Filmmaker and the Filmmaker asks the
19 Court to consider the \$192,000 as additional damages aside from the punitive damages.

20 **619.** Again, the Hawaii Film Office has blatantly lied in their refusal to credit the
21 Filmmaker with the 20% rebate. There is no reason, outside of their wanting to teach
22 Filmmaker a lesson, to withhold the tax certificate. Filmmaker fulfilled every
23 requirement.

24 **620.** Filmmaker tries to show the love of Jesus to everyone he can. However, should
25 Defendants even broach any issues that demean or slander Filmmaker, Filmmaker will
26 amend this lawsuit to include defamation and/or libel and slander. Filmmaker is very
27 confident he would win any Anti-Slapp Motion as he has been more than diligent in the
28 entire application process.

1 **621.** The fact that Defendants did not alert Filmmaker that he was ‘lacking’ in further
2 proof of receipts for more than 9 months is further proof of fraud and deceit that would
3 later rise up again on much more serious levels.

4 **622.** On or about September 2017, Filmmaker put in several calls to Defendant Brazier
5 to make sure every ‘T’ was crossed and every ‘I’ was dotted. Filmmaker wanted to make
6 sure there would be no problems with getting the 20% rebate back. This was critical as he
7 would not have filmed in Hawaii.

8 **623.** On or about September 2017, Defendant Brazier repeatedly told Filmmaker that
9 he did not need to get the GET Tax Ids for established businesses in Hawaii as they were
10 obviously paying tax to the Hawaii government.

11 **624.** This proved to be yet another misrepresentation.

12 **625.** On or about September 2018, almost a year later, Defendants Dawson and the
13 Hawaii Film Office suddenly demanded that all the GET tax IDs should be listed. This is
14 another brazen and fraudulent attempt to deny Filmmaker his just rebate. Filmmaker did,
15 in fact, list every single GET Tax ID. Somehow, they lost the paperwork or it was
16 maliciously destroyed.

17 **626.** In Defendant’s one page sheet they sent to Filmmaker - that possibly took less
18 than an hour to do – not 9 months – they also said the GET Tax IDs were wrong when in
19 fact they were correct. Further proof that they were desperately trying anything to not
20 give the Filmmaker his rebate.

21 **627.** The entire one-page sheet is filled with complete wrong assumptions, numbers,
22 and math. It’s like a third-grader put it together hoping this would pass and Filmmaker
23 would go away.

24 **628.** On or about October 2017 and three weeks before shooting, Defendant Brazier
25 contacted the production’s UPM and gave the UPM the actual budget figures. This is a
26 text-book case of conflict of interest. The UPM knew Defendant Brazier and was never
27 given authorization to have any confidential numbers or should receive them as this
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1 person was only the UPM. The production ended up firing the UPM for gross
2 incompetence and was later sued by the UPM in small claims.

3 **629.** Had Filmmaker known this conflict of interest and gross breach of privacy, he
4 would have immediately requested another contact to work with at the Hawaii Film
5 Office, because of the industry rule/code that key positions should not be filled by ANY
6 partnership team because again if one is fired, the other will quit or have to be fired as
7 well.

8 **630.** Again, this is a textbook case of breaching an implied good covenant in dealings.

9 **631.** Filmmaker believes and alleges that the UPM's firing has contributed to the
10 Hawaii Film Office defrauding Filmmaker out of his rightful 20% rebate as the UPM sent
11 a letter to the office violating the confidentiality provision of her signed contract. No
12 other true professional in the industry would do this.

13 **632.** This unprofessional, sneaky, and juvenile high school conduct is another reason
14 why Filmmaker will never film in Hawaii again.

15 **633.** On or about November 2017, Filmmaker, to make sure every single requirement
16 was met, personally emailed Defendant Brazier to have any Film Office employee or
17 government legislator come to the set (see EXHIBIT B). This requirement is buried in the
18 forms, but this email again proves how meticulous Filmmaker was in fulfilling every
19 single requirement including this obscure provision.

20 **634.** On or about November 17, 2017, Filmmaker submitted the preliminary budget to
21 the Film Office (see EXHIBIT C). As the Honorable Court can see, the preliminary
22 requirements were met except for two items which were later fulfilled and never a subject
23 of dispute.

24 **635.** At no time did the Hawaii Film Office ever contact the Filmmaker to alert him to
25 anything that was not completed or out of the ordinary. In fact, they were silent for
26 almost eight months.

27 **636.** On or about November 20, 2017, Filmmaker again inquired about the \$1,000
28 contribution that was required to be made to the University of Hawaii Foundation (see

1 EXHIBIT D). This again shows how astute and careful Filmmaker was to the
2 requirements set forth by the Hawaii Film Office.¹³

3 **637.** Filmmaker then donated \$1,000 to the University of Hawaii Foundation in
4 accordance to the requirements (Filmmaker and his wife give 90% of their wealth away
5 to charity or to their faith-based endeavors).

6 **638.** On or about December 2017, Filmmaker received the pre-qualification letter (See
7 EXHIBIT E and F). At no point, did the Hawaii Film Office ever question or comment on
8 any part of the film's production or requirements.

9 **639.** Multiple calls from March 2017 to February 2018 to Defendant Brazier again
10 confirmed Filmmaker was on track to receive his rebate.

11 **640.** On or about December 11, 2017, the Hawaii Film Office submitted an email (See
12 EXHIBIT G) which outline precisely the 7 remaining requirements left to get the tax
13 certificate.

14 **641.** Filmmaker fulfilled every single requirement and more so and will testify, under
15 the penalty of perjury (that carries a jail sentence), that every single requirement was
16 fulfilled with complete honesty and integrity.

17 **642.** This will be proven with 'smoking-gun' evidence at trial and during the Motion
18 for Summary Judgment.

19 **643.** To reiterate the point again, had Filmmaker not been deceived by Defendant's
20 action, Filmmaker would not have filmed any movie in Hawaii. Period.

21 **644.** Nevertheless, it still gets worse.

22 **645.** On or about December 11, 2017, Filmmaker sent an email simply re-confirming
23 what constitutes a vendor by the Hawaii Film Office (see EXHIBIT H).

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26 ¹³ The \$1,000 requirement is yet another misrepresentation of the Hawaii Film
27 Office's advertising and promotions as this falls beneath the 20% rebate back
28 then, i.e., you have to pay an additional \$1,000 to be considered for a
rebate.

1 **646.** In the most juvenile, condescending, and vicious response, Defendant Brazier
2 replied to Defendant Dawson, “Should we use the definition of vendor in the
3 dictionary???” She unwittingly copied herself in her reply to the Filmmaker.

4 **647.** As it turns out, this requirement is the exact same thing the Hawaii Film Office
5 fraudulently used in their desperate attempts to sabotage, smear, and hurt Filmmaker by
6 denying the rebate. They questioned what constitutes a vendor. It’s the ‘Confederacy of
7 Dunces’ all over again.

8 **648.** This also proves the immature lengths the Defendants, collectively, have gone to
9 avoid giving the Filmmaker his earned rebate. It’s run like a junior high school.

10 **649.** Again, Filmmaker has worked with the film departments of Connecticut,
11 Louisiana, Georgia, Virginia, North Carolina, California, et al and has never encountered
12 such an immature, hostile, mean-spirited, incompetent, sneaky, slow, sensitive, and
13 maniupulative conduct ever. Filmmaker has been in the business for over 22 years again
14 and has made 12 movies.

15 **650.** The Filmmaker again believes the Honorable U.S. District Court and jury will
16 find sufficient evidence in the months, and possible years to come, of another corrupt
17 Hawaiian government agency that needs Federal investigation.

18 **651.** Filmmaker will depose all of the parties at the Hawaii Film Office and past UPMs
19 and line producer of every single past film to prove there is widespread and gross
20 incompetence at every level.

21 **652.** Filmmaker also plans to file a whistleblower lawsuit against the Hawaii Film
22 Office and the Hollywood studios for wasting the taxpayer’s money. Filmmaker will file
23 motions to compel the paperwork to see every single budget that the Film Office has
24 given millions of dollars to the studios and yet denied a simple rebate to the Filmmaker.

25 **653.** On or about December 2017, Filmmaker finished the final paperwork and
26 contacted the Defendant Hawaii Film Office to begin the tax rebate final process and was
27 told the tax certificate would be sent within 3 to 6 months. – which is also stated on the
28

1 Hawaii Film Office website and on their official forms. It is now October 2018 at the
2 time of the filing of this suit. This is tragic in every respect.

3 **654.** Again, having the tax certificate was critical in both post-production money and
4 for the investors. The Defendants were fully aware of this.

5 **655.** Despite numerous emails, Defendants repeatedly dragged their feet and returned
6 emails sometimes a month later.

7 **656.** They then stated Filmmaker had to do other tasks that were never in the intital
8 conversations.

9 **657.** Filmmaker shook his head in disbelief. Filmmaker immediately sensed something
10 was terribly wrong.

11 **658.** Again, Defendants hid the relationships of those that created friction and their
12 motives of 'teaching the filmmaker a lesson' by delaying the tax certificate to now 9
13 months. This a textbook fraud and deceit.

14 **659.** Again, Filmmaker would never have filmed a movie in Hawaii had he known of
15 this fraud and deceit, misrepresentation, civil conspiracy and other conduct the Hawaii Film
16 Office would so brazenly do.

17 **660.** Furthermore, they even admitted themselves that the office has come under
18 intense scrutiny by legislatures for previous blunders which will be part of the
19 whistleblower lawsuit. This again is total fraud and deceit and a total conflict of interest.

20 **661.** Defendants went beyond being crafty/sneaky to fraud and deceit as the Court will
21 see throughout this Complaint. These are the most dishonorable actions that Filmmaker
22 has ever worked with in 22 years. Here Filmmaker shot a movie that would honor a
23 Hawaiian Chiefess, pay good-paying jobs to Hawaiian/Polynesians, and the Hawaii Film
24 Office back-stabbed him by deceiving him and playing little juvenile high-school games
25 no other film office of any state would dare to do.

26 **662.** If in fact, the Hollywood studios have not gone through this level of fraud, then
27 the Hawaii Film Office, complete with starry, wide eyes, have discriminated against the
28 Filmmaker either through his religious beliefs (a violation of the First Amendment) or

1 against him as an independent filmmaker (a violation of the Hawaii Whistleblower Act)

2 This is a text-book case of self-dealing.

3 663. On or about August 2018, Filmmaker sent several emails to the Attorney
4 General's office and the Governor's office to attempt to understand why the Hawaii Film
5 Office was taking so long. The Hawaii Film Office refused to answer any emails.

6 664. Something was truly wrong here.

7 665. Finally, after legal threats, the Hawaii Film Office, in the most overt fraud of
8 perhaps any governmental agency in the state, then sent Filmmaker an astounding list of
9 complete lies and fabrications.

10 666. Defendants said because Filmmaker has not proved any of his receipts, he is not
11 entitled to a 20% rebate. Filmmaker immediately knew he was duped.

12 667. The Hawaii Film Office sent a list of requirements that are filled with complete
13 fraud and lies. It's almost jaw-dropping how each remaining requirement had already
14 been fulfilled.

15 668. The Hawaii Film Office sent a one-page sheet that looked like it took ten minutes
16 to do – not 9 months (see Exhibit A). The Filmmaker will show this smacks of the
17 juvenile and utterly fraudulent way the Hawaii Film Office went to avoid paying the 20%
18 rebate.

19 669. Among the several 'items' that Hawaii Film Office said the Filmmaker had to
20 prove was the actual shooting location of Kualoa Ranch (See Exhibit A). Filmmaker sent
21 the bill, the cancelled checks, and the Defendants still said Filmmaker could not prove
22 this expense. A simple phone call could verify this expenditure.

23 670. The sheet again shows scores of names of crew that Filmmaker already gave the
24 Hawaii Film Office every single GET Tax ID that they required. Yet it ignores key
25 actor's salaries, key equipment rentals, hotels – it's an absolute fraudulent document.¹⁴

26
27
28 ¹⁴ The one-sheet contains over 50 crew and cast that have already been
accounted for. The only way to explain the red marks is the Hawaii Film

1 671. Defendants Benita Brazier and Donne Dawson clearly acted outside the scope of
2 their agency in wanting to pay back Filmmaker in retribution for several reasons
3 Filmmaker will prove at trial.

4 672. The State of Hawaii should not defend Ms. Brazier or Ms. Dawson.

5 673. Filmmaker will call on several key witnesses in the cast, crew, and extras to prove
6 the Film Office is in disarray. He expects the trial to go for at least ten weeks and asks the
7 Honorable Court's patience as Filmmaker is bracing for extensive discovery (and
8 possible Motions to Compel with sanctions) to take place during this litigation.

9 674. This case is very important as there must be freedom of speech in Hawaii and that
10 federal law still supercedes state law. Hawaii is part of America and most Hawaiians
11 want that.

12 675. Filmmaker will subpoena every crew member for depositions to testify to the
13 events as true. And if Defendants lie during their sworn depositions, Filmmaker will file a
14 criminal complaint with the D.A. for perjury and possible Federal intervention.
15 Filmmaker will begin depositions within 30 days of the service of the Complaint to get a
16 head start on all discovery.

17 676. Filmmaker believes the damages to the movie are permanent and irrecoverable
18 due to Defendant's actions.

19 677. It is paramount that the Honorable Court grant Filmmaker broad discretion in
20 ascertaining what is going on as Filmmaker expects to file multiple Motions to Compel as
21 the Defendants have proven themselves deftly good at avoiding or ignoring questions
22 pertaining to their conduct.

23 678. Defendant's actions left the film in total chaos. The film went overbudget because
24 of their actions and the Filmmaker had to pay the overbudget out of his own pocket.

25
26 Office is doing everything possible to sabotage and not pay Filmmaker. This
27 is indisputable evidence. Filmmaker will submit all of the evidence during
28 discovery and will file a Motion to seal the documents.

1 **679. Again, Filmmaker testifies, under penalty of perjury, that he has never sued any**
2 **governmental agency in his entire life.**

3 **680. Filmmaker will depose Defendants Benita Brazier, Donne Dawson in November.**
4 **He will then depose other filmmakers who have shot movies in Hawaii.**

5 **681. Filmmaker will file a Pre-Judgment Writ of Attachment on all of Defendant's**
6 **personal and corporate assets and believes he has been damaged by no less than \$135**
7 **million in actual and punitive damages and will spend the next 5 years outlying the case**
8 **against the Defendants. They need to be punished severely for their contemptible**
9 **mistreatment of a filmmaker who tried to honor the people of Hawaii and their valiant**
10 **and courageous leader two hundred years ago.**

11 **682. Filmmaker is exiting making the next films in Hawaii and the damages are stark**
12 **and real – due mostly because of Defendant's fraud and deceit. This will be calculated in**
13 **the damages against Defendants.**

14
15 **COUNT 9 – QUANTUM MERUIT**
16

17 **683. Filmmaker repeats and realleges each and every allegation contained in**
18 **paragraphs 1 through 683 above as if fully set forth herein.**

19 **684. Filmmaker performed services, labor, and hard work, including fulfilling all**
20 **Defendant's requirements, including hiring over 183 people and using all the Hawaii**
21 **vendors in making this very important film.**

22 **685. Defendants have failed and refuse to pay Filmmaker for the value of his services**
23 **Filmmaker performed for the Defendants by letting the State enjoy free publicity in**
24 **having Academy-Award winning actors come to Hawaii and spending money on the**
25 **crew, hotels, food, construction, venues, catering, etc. Filmmaker is entitled to his full**
26 **value of services bestowed on Defendants in an amount to be determined at trial but**
27 **believed to be no less than \$1.5 million which is very conservative in the film industry**
28 **for a well-known, prominent writer/director.**

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COUNT 10 – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

686. Filmmaker repeats and realleges each and every allegation contained in paragraphs 1 through 686 above as if fully set forth herein.

687. A cause of action for negligent infliction of emotional distress consists of: (1) a duty of care owed by the defendant to the Filmmaker, (2) breach of that duty by the defendant resulting in severe emotional suffering and (3) actual and proximate causation of severe emotional distress.

688. On or about April 2017, Filmmaker began pre-production of one of most ambitious movies on Hawaii history ever - on the lives of Chiefess Kapiolani, King Kamehameha, Captain Cook, and Queen Liliuokalani.

689. The film made news around the world, including US News and World Report, NBC, ABC, and local Hawaiian media (Hawaii News Now, Star Advertiser, KHON, KITV, et al).

690. As the Plaintiff/Filmmaker Tim Chey is a devout Christian, the first film he wanted to put into production was the compelling story of Chiefess Kapiolani who found Christ and went to the top of the volcano to proclaim her new-found faith in the Lord.

691. Filmmaker enlisted a Native Hawaiian professor at the University of Hawaii who teaches Native Hawaiian history to help research and co-write the script. Yet a core group of people who oppose Christianity in Hawaii conspired against the Filmmaker. Filmmaker has 'smoking-gun' evidence of this and will release this during discovery and at the trial.

692. Filmmaker is contemplating suing this group later in 2019 – he first wants to get this case moving forward to a 2019/2020 trial.

693. On or about March 2017, Filmmaker decided to film 'The Islands' after being assured that the Defendant Hawaii Film Office would give a 20% rebate on the budget

1 that the Film Office gives to all filmmakers. This was extremely important to the
2 Filmmaker as many production companies base their entire decision for where to film
3 based on the movie tax credits of each state. This is common industry knowledge and
4 practice.

5 **694.** Also, the 20% rebate is critically important for P&A (prints and advertising) for
6 the film's exposure and marketing funds.

7 **695.** Had Filmmaker known that Defendants would even attempt not to reward the
8 20% rebate because they didn't like the content of the movie, the Filmmaker's beliefs, or
9 his personality per se, Filmmaker would never have even launched such a huculean effort
10 in making the film, including casting an Academy-Award winning actress, a legendary
11 actor, and a 98% Native Polynesian cast. Filmmaker would simply have made another
12 film in another state. Filmmaker has made 12 movies in 22 years. He did not need the
13 horrific grief imposed by Defendants collectively.

14 **696.** It is very rare for any governmental agency to act as juvenile, vindictive, and
15 incompetent as the Hawaii Film Office. It's astonishing as Filmmaker has worked with
16 the Connecticut, Lousiana, Virginia, Fiji, California, Michigan, and North Carolina film
17 offices with absolutely no issues or problems. In fact, the Connecticut Film Office gave
18 Filmmaker his 30% tax rebate for 'Freedom' (Cuba Gooding, Jr., Sharon Leal, William
19 Sadler) within 30 days after the paperwork was turned in.

20 **697.** From the start of the movie until post-production, Filmmaker made the 20%
21 rebate the number one priority as he realized how significant the rebate was. It was 20%
22 of the entire budget and this was to put bread on the table of a faith-based filmmaker.

23 **698.** On or about April 2017, Filmmaker received a strange message from one of the
24 employees of the Hawaii Film Office. She said she had 'concerns' about Filmmaker's
25 movie and to call her. Filmmaker returned her call and assured her that one of his co-
26 writers was a well-respected Native Hawaiian professor at the University of Hawaii who
27 taught Native Hawaiian history.
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1 **699.** Nevertheless, this is a complete violation of Filmmaker's 1st Amendment rights
2 for a government agency to inquire about the content of a movie – it's almost unheard of.
3 Imagine a California agency calling a Hollywood studio and 'inquiring' about the content
4 of the horror movie 'The Nun'. The outrage would be worldwide. This is no different.

5 **700.** Having a Hawaii state agency calling to say there's a problem with Filmmaker's
6 Christian movie reeks of 1st Amendment problems of free speech.

7 **701.** The history of Chiefess Kapiolani's leadership brought Christianity to Hawaii.
8 This is the issue of those who oppose it. Filmmaker gets it and totally understands the
9 hatred as Jesus himself said "If they hated me, they will hate you." (John 15:18).

10 **702.** Nevertheless, Hawaii is officially part of the United States and must adhere to
11 federal laws or there will be absolute chaos. The rejection of the rebate to Filmmaker is
12 the beginning of the end and shows the Defendants collectively breached the implied
13 covenant of good faith starkly and maliciously.

14 **703.** Again, the film is based on a true story and anything done on the governmental
15 level to oppose Filmmaker is complete and total discrimination against his religion and
16 unequivocally violates the Filmmaker's First Amendment rights to free speech.

17 **704.** The events of the core group to oppose Filmmaker's telling of the history started
18 the entire chain-of-events as Filmmaker would not back down from making the film.

19 **705.** Filmmaker received death threats before and during shooting. His staff had to file
20 police reports to the incompetent Honolulu police who did absolutely nothing despite
21 even having the name of the alleged perpetrator.

22 **706.** Filmmaker alleges that possible elements or people in the Hawaii Film Office
23 have also been part of a smear campaign against many historical Hawaiian films,
24 including Filmmaker's movie.

25 **707.** In addition to death threats, Filmmaker was up against many other deep hurdles,
26 including union threats and Hawaiian activists who threatened to shut down the
27 production on numerous instances.
28

1 **708.** In over 60 emails and phone calls, Filmmaker worked diligently to make sure
2 every single receipt, GET tax id of every single crew member and cast member was
3 obtained.

4 **709.** Filmmaker fulfilled each and every requirement methodically and precisely
5 because he knew the Defendant Hawaii Film Office might try something sneaky.
6 Filmmaker even has proof that one email mistakenly forwarded to Filmmaker showed
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9 13 weeks and Filmmaker calculates over 240 hours of man time.

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13 Court to consider the \$192,000 as additional damages aside from the punitive damages.

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22 entire application process.

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24 proof of receipts for more than 9 months is further proof of fraud and deceit that would
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27 then, i.e., you have to pay an additional \$1,000 to be considered for a
28 rebate.

1 **740.** As it turns out, this requirement is the exact same thing the Hawaii Film Office
2 fraudulently used in their desperate attempts to sabotage, smear, and hurt Filmmaker by
3 denying the rebate. They questioned what constitutes a vendor. It's the 'Confederacy of
4 Dunces' all over again.

5 **741.** This also proves the immature lengths the Defendants, collectively, have gone to
6 avoid giving the Filmmaker his earned rebate. It's run like a junior high school.

7 **742.** Again, Filmmaker has worked with the film departments of Connecticut,
8 Louisiana, Georgia, Virginia, North Carolina, California, et al and has never encountered
9 such an immature, hostile, mean-spirited, incompetent, sneaky, slow, sensitive, and
10 manipulative conduct ever. Filmmaker has been in the business for over 22 years again
11 and has made 12 movies.

12 **743.** The Filmmaker again believes the Honorable U.S. District Court and jury will
13 find sufficient evidence in the months, and possible years to come, of another corrupt
14 Hawaiian government agency that needs Federal investigation.

15 **744.** Filmmaker will depose all of the parties at the Hawaii Film Office and past UPMs
16 and line producer of every single past film to prove there is widespread and gross
17 incompetence at every level.

18 **745.** Filmmaker also plans to file a whistleblower lawsuit against the Hawaii Film
19 Office and the Hollywood studios for wasting the taxpayer's money. Filmmaker will file
20 motions to compel the paperwork to see every single budget that the Film Office has
21 given millions of dollars to the studios and yet denied a simple rebate to the Filmmaker.

22 **746.** On or about December 2017, Filmmaker finished the final paperwork and
23 contacted the Defendant Hawaii Film Office to begin the tax rebate final process and was
24 told the tax certificate would be sent within 3 to 6 months. – which is also stated on the
25 Hawaii Film Office website and on their official forms. It is now October 2018 at the
26 time of the filing of this suit. This is tragic in every respect.

27 **747.** Again, having the tax certificate was critical in both post-production money and
28 for the investors. The Defendants were fully aware of this.

1 **748.** Despite numerous emails, Defendants repeatedly dragged their feet and returned
2 emails sometimes a month later.

3 **749.** They then stated Filmmaker had to do other tasks that were never in the intital
4 conversations.

5 **750.** Filmmaker shook his head in disbelief. Filmmaker immediately sensed something
6 was terribly wrong.

7 **751.** Again, Defendants hid the relationships of those that created friction and their
8 motives of 'teaching the filmmaker a lesson' by delaying the tax certificate to now 9
9 months. This a textbook negligent infliction of emotional distress.

10 **752.** Filmmaker has sought counseling with pastors and has to take medicine because
11 of the effects of what Defendants have done to him.

12 **753.** These Defendants will also answer to a real God someday: "Do not wrong
13 someone in Christ. God will punish men for all such sins." 1 Thess 4:6

14 **754.** Again, Filmmaker would never have filmed a movie in Hawaii had he known of
15 this fraud and deceit, misrepresentation, civil conspiracy and other conduct the Hawaii Film
16 Office would so brazenly do.

17 **755.** Furthermore, they even admitted themselves that the office has come under
18 intense scrutiny by legislatures for previous blunders which will be part of the
19 whistleblower lawsuit. This again is total fraud and deceit and a total conflict of interest.

20 **756.** Defendants went beyond being crafty/sneaky to fraud and deceit as the Court will
21 see throughout this Complaint. These are the most dishonorable actions that Filmmaker
22 has ever worked with in 22 years. Here Filmmaker shot a movie that would honor a
23 Hawaiian Chiefess, pay good-paying jobs to Hawaiian/Polynesians, and the Hawaii Film
24 Office back-stabbed him by deceiving him and playing little juvenile high-school games
25 no other film office of any state would dare to do.

26 **757.** If in fact, the Hollywood studios have not gone through this level of fraud, then
27 the Hawaii Film Office, complete with starry, wide eyes, have discriminated against the
28 Filmmaker either through his religious beliefs (a violation of the First Amendment) or

1 against him as an independent filmmaker (a violation of the Hawaii Whistleblower Act)
2 This is a text-book case of self-dealing.

3 758. On or about August 2018, Filmmaker sent several emails to the Attorney
4 General's office and the Governor's office to attempt to understand why the Hawaii Film
5 Office was taking so long. The Hawaii Film Office refused to answer any emails.

6 759. Something was truly wrong here.

7 760. Finally, after legal threats, the Hawaii Film Office, in the most overt fraud of
8 perhaps any governmental agency in the state, then sent Filmmaker an astounding list of
9 complete lies and fabrications.

10 761. Defendants said because Filmmaker has not proved any of his receipts, he is not
11 entitled to a 20% rebate. Filmmaker immediately knew he was duped.

12 762. The Hawaii Film Office sent a list of requirements that are filled with complete
13 fraud and lies. It's almost jaw-dropping how each remaining requirement had already
14 been fulfilled.

15 763. The Hawaii Film Office sent a one-page sheet that looked like it took ten minutes
16 to do – not 9 months (see Exhibit A). The Filmmaker will show this smacks of the
17 juvenile and utterly fraudulent way the Hawaii Film Office went to avoid paying the 20%
18 rebate.

19 764. Among the several 'items' that Hawaii Film Office said the Filmmaker had to
20 prove was the actual shooting location of Kualoa Ranch (See Exhibit A). Filmmaker sent
21 the bill, the cancelled checks, and the Defendants still said Filmmaker could not prove
22 this expense. A simple phone call could verify this expenditure.

23 765. The sheet again shows scores of names of crew that Filmmaker already gave the
24 Hawaii Film Office every single GET Tax ID that they required. Yet it ignores key
25 actor's salaries, key equipment rentals, hotels – it's an absolute fraudulent document.¹⁶
26

27 ¹⁶ The one-sheet contains over 50 crew and cast that have already been
28 accounted for. The only way to explain the red marks is the Hawaii Film

1 766. Defendants Benita Brazier and Donne Dawson clearly acted outside the scope of
2 their agency in wanting to pay back Filmmaker in retribution for several reasons
3 Filmmaker will prove at trial.

4 767. The State of Hawaii should not defend Ms. Brazier or Ms. Dawson.

5 768. Filmmaker will call on several key witnesses in the cast, crew, and extras to prove
6 the Film Office is in disarray. He expects the trial to go for at least ten weeks and asks the
7 Honorable Court's patience as Filmmaker is bracing for extensive discovery (and
8 possible Motions to Compel with sanctions) to take place during this litigation.

9 769. This case is very important as there must be freedom of speech in Hawaii and that
10 federal law still supercedes state law. Hawaii is part of America and most Hawaiians
11 want that.

12 770. Filmmaker will subpoena every crew member for depositions to testify to the
13 events as true. And if Defendants lie during their sworn depositions, Filmmaker will file a
14 criminal complaint with the D.A. for perjury and possible Federal intervention.
15 Filmmaker will begin depositions within 30 days of the service of the Complaint to get a
16 head start on all discovery.

17 771. Filmmaker believes the damages to the movie are permanent and irrecoverable
18 due to Defendant's actions.

19 772. It is paramount that the Honorable Court grant Filmmaker broad discretion in
20 ascertaining what is going on as Filmmaker expects to file multiple Motions to Compel as
21 the Defendants have proven themselves deftly good at avoiding or ignoring questions
22 pertaining to their conduct.

23 773. Defendant's actions left the film in total chaos. The film went overbudget because
24 of their actions and the Filmmaker had to pay the overbudget out of his own pocket.

25
26 Office is doing everything possible to sabotage and not pay Filmmaker. This
27 is indisputable evidence. Filmmaker will submit all of the evidence during
28 discovery and will file a Motion to seal the documents.

1 774. Again, Filmmaker testifies, under penalty of perjury, that he has never sued any
2 governmental agency in his entire life.

3 775. Filmmaker will depose Defendants Benita Brazier, Donne Dawson in November.
4 He will then depose other filmmakers who have shot movies in Hawaii.

5 776. Filmmaker will file a Pre-Judgment Writ of Attachment on all of Defendant's
6 personal and corporate assets and believes he has been damaged by no less than \$135
7 million in actual and punitive damages and will spend the next 5 years outlying the case
8 against the Defendants. They need to be punished severely for their contemptible
9 mistreatment of a filmmaker who tried to honor the people of Hawaii and their valiant
10 and courageous leader two hundred years ago.

11 777. Filmmaker is exiting making the next films in Hawaii and the damages are stark
12 and real – due mostly because of Defendant's fraud and deceit. This will be calculated in
13 the damages against Defendants.

14 778. Filmmaker also will depose crew members and others who Defendants devulged
15 confidential information.

16 779. Filmmakers request the court to expedite discovery and set a trial date in the most
17 expeditious manner if possible.

18
19 **COUNT 11 – INTENTIONAL INFLICTION OF**
20 **EMOTIONAL DISTRESS**
21

22 780. Filmmaker repeats and realleges each and every allegation contained in
23 paragraphs 1 through 780 above as if fully set forth herein.

24 781. The tort of intentional infliction of emotional distress has four elements: (1) the
25 defendant must act intentionally or recklessly; (2) the defendant's conduct must be
26 extreme and outrageous; and (3) the conduct must be the cause (4) of severe emotional
27 distress
28

1 **782.** From the start of the movie until post-production, Filmmaker made the 20%
2 rebate the number one priority as he realized how significant the rebate was. It was 20%
3 of the entire budget and this was to put bread on the table of a faith-based filmmaker.

4 **783.** On or about April 2017, Filmmaker received a strange message from one of the
5 employees of the Hawaii Film Office. She said she had ‘concerns’ about Filmmaker’s
6 movie and to call her. Filmmaker returned her call and assured her that one of his co-
7 writers was a well-respected Native Hawaiian professor at the University of Hawaii who
8 taught Native Hawaiian history.

9 **784.** Nevertheless, this is a complete violation of Filmmaker’s 1st Amendment rights
10 for a government agency to inquire about the content of a movie – it’s almost unheard of.
11 Imagine a California agency calling a Hollywood studio and ‘inquiring’ about the content
12 of the horror movie ‘The Nun’. The outrage would be worldwide. This is no different.

13 **785.** Having a Hawaii state agency calling to say there’s a problem with Filmmaker’s
14 Christian movie reeks of 1st Amendment problems of free speech.

15 **786.** The history of Chiefess Kapiolani’s leadership brought Christianity to Hawaii.
16 This is the issue of those who oppose it. Filmmaker gets it and totally understands the
17 hatred as Jesus himself said “If they hated me, they will hate you.” (John 15:18).

18 **787.** Nevertheless, Hawaii is officially part of the United States and must adhere to
19 federal laws or there will be absolute chaos. The rejection of the rebate to Filmmaker is
20 the beginning of the end and shows the Defendants collectively breached the implied
21 covenant of good faith starkly and maliciously.

22 **788.** Again, the film is based on a true story and anything done on the governmental
23 level to oppose Filmmaker is complete and total discrimination against his religion and
24 unequivocally violates the Filmmaker’s First Amendment rights to free speech.

25 **789.** The events of the core group to oppose Filmmaker’s telling of the history started
26 the entire chain-of-events as Filmmaker would not back down from making the film.
27
28

1 **790.** Filmmaker received death threats before and during shooting. His staff had to file
2 police reports to the incompetent Honolulu police who did absolutely nothing despite
3 even having the name of the alleged perpetrator.

4 **791.** Filmmaker alleges that possible elements or people in the Hawaii Film Office
5 have also been part of a smear campaign against many historical Hawaiian films,
6 including Filmmaker's movie.

7 **792.** In addition to death threats, Filmmaker was up against many other deep hurdles,
8 including union threats and Hawaiian activists who threatened to shut down the
9 production on numerous instances.

10 **793.** In over 60 emails and phone calls, Filmmaker worked diligently to make sure
11 every single receipt, GET tax id of every single crew member and cast member was
12 obtained.

13 **794.** Filmmaker fulfilled each and every requirement methodically and precisely
14 because he knew the Defendant Hawaii Film Office might try something sneaky.

15 Filmmaker even has proof that one email mistakenly forwarded to Filmmaker showed
16 the Defendants were already conspiring to 'get' Filmmaker' (See Exhibit H).

17 **795.** This process of getting all the requirements for the Hawaii Film Office took over
18 13 weeks and Filmmaker calculates over 240 hours of man time.

19 **796.** Filmmaker is also a Harvard-educated attorney and bills at \$550 an hour. So by
20 just multiplying 240 x \$550 would come to \$192,000. This is how important the rebate
21 back from the Hawaii Film Office was to the Filmmaker and the Filmmaker asks the
22 Court to consider the \$192,000 as additional damages aside from the punitive damages.

23 **797.** Again, the Hawaii Film Office has blatantly lied in their refusal to credit the
24 Filmmaker with the 20% rebate. There is no reason, outside of their wanting to teach
25 Filmmaker a lesson, to withhold the tax certificate. Filmmaker fulfilled every
26 requirement.

27 **798.** Filmmaker tries to show the love of Jesus to everyone he can. However, should
28 Defendants even broach any issues that demean or slander Filmmaker, Filmmaker will

1 amend this lawsuit to include defamation and/or libel and slander. Filmmaker is very
2 confident he would win any Anti-Slapp Motion as he has been more than diligent in the
3 entire application process.

4 **799.** The fact that Defendants did not alert Filmmaker that he was 'lacking' in further
5 proof of receipts for more than 9 months is further proof of fraud and deceit that would
6 later rise up again on much more serious levels.

7 **800.** On or about September 2017, Filmmaker put in several calls to Defendant Brazier
8 to make sure every 'T' was crossed and every 'I' was dotted. Filmmaker wanted to make
9 sure there would be no problems with getting the 20% rebate back. This was critical as he
10 would not have filmed in Hawaii.

11 **801.** On or about September 2017, Defendant Brazier repeatedly told Filmmaker that
12 he did not need to get the GET Tax Ids for established businesses in Hawaii as they were
13 obviously paying tax to the Hawaii government.

14 **802.** This proved to be yet another misrepresentation.

15 **803.** On or about September 2018, almost a year later, Defendants Dawson and the
16 Hawaii Film Office suddenly demanded that all the GET tax IDs should be listed. This is
17 another brazen and fraudulent attempt to deny Filmmaker his just rebate. Filmmaker did,
18 in fact, list every single GET Tax ID. Somehow, they lost the paperwork or it was
19 maliciously destroyed.

20 **804.** In Defendant's one page sheet they sent to Filmmaker - that possibly took less
21 than an hour to do – not 9 months – they also said the GET Tax IDs were wrong when in
22 fact they were correct. Further proof that they were desperately trying anything to not
23 give the Filmmaker his rebate.

24 **805.** The entire one-page sheet is filled with complete wrong assumptions, numbers,
25 and math. It's like a third-grader put it together hoping this would pass and Filmmaker
26 would go away.

27 **806.** On or about October 2017 and three weeks before shooting, Defendant Brazier
28 contacted the production's UPM and gave the UPM the actual budget figures. This is a

1 text-book case of conflict of interest. The UPM knew Defendant Brazier and was never
2 given authorization to have any confidential numbers or should receive them as this
3 person was only the UPM. The production ended up firing the UPM for gross
4 incompetence and was later sued by the UPM in small claims.

5 **807.** Had Filmmaker known this conflict of interest and gross breach of privacy, he
6 would have immediately requested another contact to work with at the Hawaii Film
7 Office, because of the industry rule/code that key positions should not be filled by ANY
8 partnership team because again if one is fired, the other will quit or have to be fired as
9 well.

10 **808.** Again, this is a textbook case of breaching an implied good covenant in dealings.

11 **809.** Filmmaker believes and alleges that the UPM's firing has contributed to the
12 Hawaii Film Office defrauding Filmmaker out of his rightful 20% rebate as the UPM sent
13 a letter to the office violating the confidentiality provision of her signed contract. No
14 other true professional in the industry would do this.

15 **810.** This unprofessional, sneaky, and juvenile high school conduct is another reason
16 why Filmmaker will never film in Hawaii again.

17 **811.** On or about November 2017, Filmmaker, to make sure every single requirement
18 was met, personally emailed Defendant Brazier to have any Film Office employee or
19 government legislator come to the set (see EXHIBIT B). This requirement is buried in the
20 forms, but this email again proves how meticulous Filmmaker was in fulfilling every
21 single requirement including this obscure provision.

22 **812.** On or about November 17, 2017, Filmmaker submitted the preliminary budget to
23 the Film Office (see EXHIBIT C). As the Honorable Court can see, the preliminary
24 requirements were met except for two items which were later fulfilled and never a subject
25 of dispute.

26 **813.** At no time did the Hawaii Film Office ever contact the Filmmaker to alert him to
27 anything that was not completed or out of the ordinary. In fact, they were silent for
28 almost eight months.

1 **814.** On or about November 20, 2017, Filmmaker again inquired about the \$1,000
2 contribution that was required to be made to the University of Hawaii Foundation (see
3 EXHIBIT D). This again shows how astute and careful Filmmaker was to the
4 requirements set forth by the Hawaii Film Office.¹⁷

5 **815.** Filmmaker then donated \$1,000 to the University of Hawaii Foundation in
6 accordance to the requirements (Filmmaker and his wife give 90% of their wealth away
7 to charity or to their faith-based endeavors).

8 **816.** On or about December 2017, Filmmaker received the pre-qualification letter (See
9 EXHIBIT E and F). At no point, did the Hawaii Film Office ever question or comment on
10 any part of the film's production or requirements.

11 **817.** Multiple calls from March 2017 to February 2018 to Defendant Brazier again
12 confirmed Filmmaker was on track to receive his rebate.

13 **818.** On or about December 11, 2017, the Hawaii Film Office submitted an email (See
14 EXHIBIT G) which outline precisely the 7 remaining requirements left to get the tax
15 certificate.

16 **819.** Filmmaker fulfilled every single requirement and more so and will testify, under
17 the penalty of perjury (that carries a jail sentence), that every single requirement was
18 fulfilled with complete honesty and integrity.

19 **820.** This will be proven with 'smoking-gun' evidence at trial and during the Motion
20 for Summary Judgment.

21 **821.** To reiterate the point again, had Filmmaker not been deceived by Defendant's
22 action, Filmmaker would not have filmed any movie in Hawaii. Period.

23 **822.** Nevertheless, it still gets worse.

24
25
26 ¹⁷ The \$1,000 requirement is yet another misrepresentation of the Hawaii Film
27 Office's advertising and promotions as this falls beneath the 20% rebate back
28 then, i.e., you have to pay an additional \$1,000 to be considered for a
rebate.

1 **823.** On or about December 11, 2017, Filmmaker sent an email simply re-confirming
2 what constitutes a vendor by the Hawaii Film Office (see EXHIBIT H).

3 **824.** In the most juvenile, condescending, and vicious response, Defendant Brazier
4 replied to Defendant Dawson, "Should we use the definition of vendor in the
5 dictionary???" She unwittingly copied herself in her reply to the Filmmaker.

6 **825.** As it turns out, this requirement is the exact same thing the Hawaii Film Office
7 fraudulently used in their desperate attempts to sabotage, smear, and hurt Filmmaker by
8 denying the rebate. They questioned what constitutes a vendor. It's the 'Confederacy of
9 Dunces' all over again.

10 **826.** This also proves the immature lengths the Defendants, collectively, have gone to
11 avoid giving the Filmmaker his earned rebate. It's run like a junior high school.

12 **827.** Again, Filmmaker has worked with the film departments of Connecticut,
13 Louisiana, Georgia, Virginia, North Carolina, California, et al and has never encountered
14 such an immature, hostile, mean-spirited, incompetent, sneaky, slow, sensitive, and
15 maniupulative conduct ever. Filmmaker has been in the business for over 22 years again
16 and has made 12 movies.

17 **828.** The Filmmaker again believes the Honorable U.S. District Court and jury will
18 find sufficient evidence in the months, and possible years to come, of another corrupt
19 Hawaiian government agency that needs Federal investigation.

20 **829.** Filmmaker will depose all of the parties at the Hawaii Film Office and past UPMs
21 and line producer of every single past film to prove there is widespread and gross
22 incompetence at every level.

23 **830.** Filmmaker also plans to file a whistleblower lawsuit against the Hawaii Film
24 Office and the Hollywood studios for wasting the taxpayer's money. Filmmaker will file
25 motions to compel the paperwork to see every single budget that the Film Office has
26 given millions of dollars to the studios and yet denied a simple rebate to the Filmmaker.

27 **831.** On or about December 2017, Filmmaker finished the final paperwork and
28 contacted the Defendant Hawaii Film Office to begin the tax rebate final process and was

1 told the tax certificate would be sent within 3 to 6 months. – which is also stated on the
2 Hawaii Film Office website and on their official forms. It is now October 2018 at the
3 time of the filing of this suit. This is tragic in every respect.

4 **832.** Again, having the tax certificate was critical in both post-production money and
5 for the investors. The Defendants were fully aware of this.

6 **833.** Despite numerous emails, Defendants repeatedly dragged their feet and returned
7 emails sometimes a month later.

8 **834.** They then stated Filmmaker had to do other tasks that were never in the initial
9 conversations.

10 **835.** Filmmaker shook his head in disbelief. Filmmaker immediately sensed something
11 was terribly wrong.

12 **836.** Again, Defendants hid the relationships of those that created friction and their
13 motives of ‘teaching the filmmaker a lesson’ by delaying the tax certificate to now 9
14 months. This a textbook fraud and deceit.

15 **837.** Again, Filmmaker would never have filmed a movie in Hawaii had he known of
16 this fraud and deceit, misrepresentation, civil conspiracy and other conduct the Hawaii Film
17 Office would so brazenly do.

18 **838.** Furthermore, they even admitted themselves that the office has come under
19 intense scrutiny by legislatures for previous blunders which will be part of the
20 whistleblower lawsuit. This again is total fraud and deceit and a total conflict of interest.

21 **839.** Defendants went beyond being crafty/sneaky to fraud and deceit as the Court will
22 see throughout this Complaint. These are the most dishonorable actions that Filmmaker
23 has ever worked with in 22 years. Here Filmmaker shot a movie that would honor a
24 Hawaiian Chiefess, pay good-paying jobs to Hawaiian/Polynesians, and the Hawaii Film
25 Office back-stabbed him by deceiving him and playing little juvenile high-school games
26 no other film office of any state would dare to do.

27 **840.** If in fact, the Hollywood studios have not gone through this level of fraud, then
28 the Hawaii Film Office, complete with starry, wide eyes, have discriminated against the

1 Filmmaker either through his religious beliefs (a violation of the First Amendment) or
2 against him as an independent filmmaker (a violation of the Hawaii Whistleblower Act)
3 This is a text-book case of self-dealing.

4 841. On or about August 2018, Filmmaker sent several emails to the Attorney
5 General's office and the Governor's office to attempt to understand why the Hawaii Film
6 Office was taking so long. The Hawaii Film Office refused to answer any emails.

7 842. Something was truly wrong here.

8 843. Finally, after legal threats, the Hawaii Film Office, in the most overt fraud of
9 perhaps any governmental agency in the state, then sent Filmmaker an astounding list of
10 complete lies and fabrications.

11 844. Defendants said because Filmmaker has not proved any of his receipts, he is not
12 entitled to a 20% rebate. Filmmaker immediately knew he was duped.

13 845. The Hawaii Film Office sent a list of requirements that are filled with complete
14 fraud and lies. It's almost jaw-dropping how each remaining requirement had already
15 been fulfilled.

16 846. The Hawaii Film Office sent a one-page sheet that looked like it took ten minutes
17 to do – not 9 months (see Exhibit A). The Filmmaker will show this smacks of the
18 juvenile and utterly fraudulent way the Hawaii Film Office went to avoid paying the 20%
19 rebate.

20 847. Among the several 'items' that Hawaii Film Office said the Filmmaker had to
21 prove was the actual shooting location of Kualoa Ranch (See Exhibit A). Filmmaker sent
22 the bill, the cancelled checks, and the Defendants still said Filmmaker could not prove
23 this expense. A simple phone call could verify this expenditure.

1 **848. The sheet again shows scores of names of crew that Filmmaker already gave the**
2 **Hawaii Film Office every single GET Tax ID that they required. Yet it ignores key**
3 **actor's salaries, key equipment rentals, hotels – it's an absolute fraudulent document.**¹⁸

4 **849. Defendants Benita Brazier and Donne Dawson clearly acted outside the scope of**
5 **their agency in wanting to pay back Filmmaker in retribution for several reasons**
6 **Filmmaker will prove at trial.**

7 **850. The State of Hawaii should not defend Ms. Brazier or Ms. Dawson.**

8 **851. Filmmaker will call on several key witnesses in the cast, crew, and extras to prove**
9 **the Film Office is in disarray. He expects the trial to go for at least ten weeks and asks the**
10 **Honorable Court's patience as Filmmaker is bracing for extensive discovery (and**
11 **possible Motions to Compel with sanctions) to take place during this litigation.**

12 **852. This case is very important as there must be freedom of speech in Hawaii and that**
13 **federal law still supercedes state law. Hawaii is part of America and most Hawaiians**
14 **want that.**

15 **853. Filmmaker will subpoena every crew member for depositions to testify to the**
16 **events as true. And if Defendants lie during their sworn depositions, Filmmaker will file a**
17 **criminal complaint with the D.A. for perjury and possible Federal intervention.**
18 **Filmmaker will begin depositions within 30 days of the service of the Complaint to get a**
19 **head start on all discovery.**

20 **854. Filmmaker believes the damages to the movie are permanent and irrecoverable**
21 **due to Defendant's actions.**

24 ¹⁸ The one-sheet contains over 50 crew and cast that have already been
25 accounted for. The only way to explain the red marks is the Hawaii Film
26 Office is doing everything possible to sabotage and not pay Filmmaker. This
27 is indisputable evidence. Filmmaker will submit all of the evidence during
28 discovery and will file a Motion to seal the documents.

1 855. It is paramount that the Honorable Court grant Filmmaker broad discretion in
2 ascertaining what is going on as Filmmaker expects to file multiple Motions to Compel as
3 the Defendants have proven themselves deftly good at avoiding or ignoring questions
4 pertaining to their conduct.

5 **856. As a direct and proximate result of the foregoing material breaches of the**
6 **signed, written contract, Filmmakers have been damaged in an aggregate amount to**
7 **be determined at trial, in excess of the jurisdictional minimum of this court, believed**
8 **to be \$135 million.**

9
10 **COUNT 12 – CIVIL CONSPIRACY**

11
12 857. Filmmaker repeats and realleges each and every allegation contained in
13 paragraphs 1 through 857 above as if fully set forth herein.

14 858. A conspiracy claim consists of (1) a combination of two or more persons acting
15 with a common purpose to do an unlawful act or to do a lawful act by unlawful means or
16 for an unlawful purpose; (2) an overt act done in pursuance of common purpose; and (3)
17 actual legal damage.

18 859. This is a textbook case of Civil Conspiracy done at the governmental level.

19 **860.** From the start of the movie until post-production, Filmmaker made the 20%
20 rebate the number one priority as he realized how significant the rebate was. It was 20%
21 of the entire budget and this was to put bread on the table of a faith-based filmmaker.

22 **861.** The events of the core group to oppose Filmmaker's telling of the history started
23 the entire chain-of-events as Filmmaker would not back down from making the film.

24 **862.** Filmmaker received death threats before and during shooting. His staff had to file
25 police reports to the Honolulu police who did absolutely nothing despite even having the
26 name of the alleged perpetrator.

1 **863.** Filmmaker alleges that possible elements or people in the Hawaii Film Office
2 have also been part of a smear campaign against many historical Hawaiian films,
3 including Filmmaker's movie.

4 **864.** In addition to death threats, Filmmaker was up against many other deep hurdles,
5 including union threats and Hawaiian activists who threatened to shut down the
6 production on numerous instances.

7 **865.** In over 60 emails and phone calls, Filmmaker worked diligently to make sure
8 every single receipt, GET tax id of every single crew member and cast member was
9 obtained.

10 **866.** Filmmaker fulfilled each and every requirement methodically and precisely
11 because he knew the Defendant Hawaii Film Office might try something sneaky.

12 Filmmaker even has proof that one email mistakenly forwarded to Filmmaker showed
13 the Defendants were already conspiring to 'get' Filmmaker' (See Exhibit H).

14 **867.** This process of getting all the requirements for the Hawaii Film Office took over
15 13 weeks and Filmmaker calculates over 240 hours of man time.

16 **868.** Filmmaker is also a Harvard-educated attorney and bills at \$550 an hour. So by
17 just multiplying 240 x \$550 would come to \$192,000. This is how important the rebate
18 back from the Hawaii Film Office was to the Filmmaker and the Filmmaker asks the
19 Court to consider the \$192,000 as additional damages aside from the punitive damages.

20 **869.** Again, the Hawaii Film Office has blatantly lied in their refusal to credit the
21 Filmmaker with the 20% rebate. There is no reason, outside of their wanting to teach
22 Filmmaker a lesson, to withhold the tax certificate. Filmmaker fulfilled every
23 requirement.

24 **870.** Filmmaker will prove, beyond reasonable doubt, that the causes of action of civil
25 conspiracy were present in this case.

26 **871.** The fact that Defendants did not alert Filmmaker that he was 'lacking' in further
27 proof of receipts for more than 9 months is further proof of civil conspiracy that would
28 later rise up again on much more serious levels.

1 **872.** This was a small simple film that should not have taken 9 months to do. But
2 Filmmaker has ‘smoking gun’ evidence that the Defendants do not take the film projects
3 in by order but by their own wishes. And the fact that the Hawaii Film Office’s own
4 website states all filmmakers will get their tax certificate within 3-6 months.

5 **873.** On or about September 2017, Filmmaker put in several calls to Defendant Brazier
6 to make sure every ‘T’ was crossed and every ‘I’ was dotted. Filmmaker wanted to make
7 sure there would be no problems with getting the 20% rebate back. This was critical as he
8 would not have filmed in Hawaii.

9 **874.** On or about September 2017, Defendant Brazier repeatedly told Filmmaker that
10 he did not need to get the GET Tax Ids for established businesses in Hawaii as they were
11 obviously paying tax to the Hawaii government.

12 **875.** This proved to be yet another negligent or intentional misrepresentation.

13 **876.** On or about September 2018, almost a year later, Defendants Dawson and the
14 Hawaii Film Office suddenly demanded that all the GET tax IDs should be listed. This is
15 another brazen and fraudulent attempt to deny Filmmaker his just rebate. Filmmaker did,
16 in fact, list every single GET Tax ID. Somehow, they lost the paperwork or it was
17 maliciously destroyed.

18 **877.** In Defendant’s one page sheet they sent to Filmmaker - that possibly took less
19 than an hour to do – not 9 months – they also said the GET Tax IDs were wrong when in
20 fact they were correct. Further proof that they were desperately trying anything to not
21 give the Filmmaker his rebate.

22 **878.** The entire one-page sheet is filled with complete wrong assumptions, numbers,
23 and math. It’s like a third-grader put it together hoping this would pass and Filmmaker
24 would go away.

25 **879.** On or about October 2017 and three weeks before shooting, Defendant Brazier
26 contacted the production’s UPM and gave the UPM the actual budget figures. This is a
27 text-book case of conflict of interest. The UPM knew Defendant Brazier and was never
28 given authorization to have any confidential numbers or should receive them as this

1 person was only the UPM. The production ended up firing the UPM for gross
2 incompetence and was later sued by the UPM in small claims.

3 **880.** Had Filmmaker known this conflict of interest and gross breach of privacy, he
4 would have immediately requested another contact to work with at the Hawaii Film
5 Office, because of the industry rule/code that key positions should not be filled by ANY
6 partnership team because again if one is fired, the other will quit or have to be fired as
7 well.

8 **881.** Again, this is a textbook case of breaching an implied good covenant in dealings.

9 **882.** Filmmaker believes and alleges that the UPM's firing has contributed to the
10 Hawaii Film Office defrauding Filmmaker out of his rightful 20% rebate as the UPM sent
11 a letter to the office violating the confidentiality provision of her signed contract. No
12 other true professional in the industry would do this.

13 **883.** This unprofessional, sneaky, and juvenile high school conduct is another reason
14 why Filmmaker will never film in Hawaii again.

15 **884.** On or about November 2017, Filmmaker, to make sure every single requirement
16 was met, personally emailed Defendant Brazier to have any Film Office employee or
17 government legislator come to the set (see EXHIBIT B). This requirement is buried in the
18 forms, but this email again proves how meticulous Filmmaker was in fulfilling every
19 single requirement including this obscure provision.

20 **885.** On or about November 17, 2017, Filmmaker submitted the preliminary budget to
21 the Film Office (see EXHIBIT C). As the Honorable Court can see, the preliminary
22 requirements were met except for two items which were later fulfilled and never a subject
23 of dispute.

24 **886.** At no time did the Hawaii Film Office ever contact the Filmmaker to alert him to
25 anything that was not completed or out of the ordinary. In fact, they were silent for
26 almost eight months.

27 **887.** On or about November 20, 2017, Filmmaker again inquired about the \$1,000
28 contribution that was required to be made to the University of Hawaii Foundation (see

1 EXHIBIT D). This again shows how astute and careful Filmmaker was to the
2 requirements set forth by the Hawaii Film Office.¹⁹

3 **888.** Filmmaker then donated \$1,000 to the University of Hawaii Foundation in
4 accordance to the requirements (Filmmaker and his wife give 90% of their wealth away
5 to charity or to their faith-based endeavors).

6 **889.** On or about December 2017, Filmmaker received the pre-qualification letter (See
7 EXHIBIT E and F). At no point, did the Hawaii Film Office ever question or comment on
8 any part of the film's production or requirements.

9 **890.** Multiple calls from March 2017 to February 2018 to Defendant Brazier again
10 confirmed Filmmaker was on track to receive his rebate.

11 **891.** On or about December 11, 2017, the Hawaii Film Office submitted an email (See
12 EXHIBIT G) which outline precisely the 7 remaining requirements left to get the tax
13 certificate.

14 **892.** Filmmaker fulfilled every single requirement and more so and will testify, under
15 the penalty of perjury (that carries a jail sentence), that every single requirement was
16 fulfilled with complete honesty and integrity.

17 **893.** This will be proven with 'smoking-gun' evidence at trial and during the Motion
18 for Summary Judgment.

19 **894.** To reiterate the point again, had Filmmaker not been deceived by Defendant's
20 action, Filmmaker would not have filmed any movie in Hawaii. Period.

21 **895.** Nevertheless, it still gets worse.

22 **896.** On or about December 11, 2017, Filmmaker sent an email simply re-confirming
23 what constitutes a vendor by the Hawaii Film Office (see EXHIBIT H).

24
25
26 ¹⁹ The \$1,000 requirement is yet another misrepresentation of the Hawaii Film
27 Office's advertising and promotions as this falls beneath the 20% rebate back
28 then, i.e., you have to pay an additional \$1,000 to be considered for a
rebate.

1 **897.** In the most juvenile, condescending, and vicious response, Defendant Brazier
2 replied to Defendant Dawson, "Should we use the definition of vendor in the
3 dictionary???" She unwittingly copied herself in her reply to the Filmmaker.

4 **898.** As it turns out, this requirement is the exact same thing the Hawaii Film Office
5 fraudulently used in their desperate attempts to sabotage, smear, and hurt Filmmaker by
6 denying the rebate. They questioned what constitutes a vendor. It's the 'Confederacy of
7 Dunces' all over again.

8 **899.** This also proves the immature lengths the Defendants, collectively, have gone to
9 avoid giving the Filmmaker his earned rebate. It's run like a junior high school.

10 **900.** Again, Filmmaker has worked with the film departments of Connecticut,
11 Louisiana, Georgia, Virginia, North Carolina, California, et al and has never encountered
12 such an immature, hostile, mean-spirited, incompetent, sneaky, slow, sensitive, and
13 manipulative conduct ever. Filmmaker has been in the business for over 22 years again
14 and has made 12 movies.

15 **901.** The Filmmaker again believes the Honorable U.S. District Court and jury will
16 find sufficient evidence in the months, and possible years to come, of another corrupt
17 Hawaiian government agency that needs Federal investigation.

18 **902.** Filmmaker will depose all of the parties at the Hawaii Film Office and past UPMs
19 and line producer of every single past film to prove there is widespread and gross
20 incompetence at every level.

21 **903.** Filmmaker also plans to file a whistleblower lawsuit against the Hawaii Film
22 Office and the Hollywood studios for wasting the taxpayer's money. Filmmaker will file
23 motions to compel the paperwork to see every single budget that the Film Office has
24 given millions of dollars to the studios and yet denied a simple rebate to the Filmmaker.

25 **904.** On or about December 2017, Filmmaker finished the final paperwork and
26 contacted the Defendant Hawaii Film Office to begin the tax rebate final process and was
27 told the tax certificate would be sent within 3 to 6 months. – which is also stated on the
28

1 Hawaii Film Office website and on their official forms. It is now October 2018 at the
2 time of the filing of this suit. This is tragic in every respect.

3 **905.** Again, having the tax certificate was critical in both post-production money and
4 for the investors. The Defendants were fully aware of this.

5 **906.** Despite numerous emails, Defendants repeatedly dragged their feet and returned
6 emails sometimes a month later.

7 **907.** They then stated Filmmaker had to do other tasks that were never in the initial
8 conversations.

9 **908.** Filmmaker shook his head in disbelief. Filmmaker immediately sensed something
10 was terribly wrong.

11 **909.** Again, Defendants hid the relationships of those that created friction and their
12 motives of 'teaching the filmmaker a lesson' by delaying the tax certificate to now 9
13 months. This a textbook fraud and deceit.

14 **910.** Again, Filmmaker would never have filmed a movie in Hawaii had he known of
15 this fraud and deceit, misrepresentation, civil conspiracy and other conduct the Hawaii Film
16 Office would so brazenly do.

17 **911.** Furthermore, they even admitted themselves that the office has come under
18 intense scrutiny by legislatures for previous blunders which will be part of the
19 whistleblower lawsuit. This again is total fraud and deceit and a total conflict of interest.

20 **912.** Defendants went beyond being crafty/sneaky to fraud and deceit as the Court will
21 see throughout this Complaint. These are the most dishonorable actions that Filmmaker
22 has ever worked with in 22 years. Here Filmmaker shot a movie that would honor a
23 Hawaiian Chiefess, pay good-paying jobs to Hawaiian/Polynesians, and the Hawaii Film
24 Office back-stabbed him by deceiving him and playing little juvenile high-school games
25 no other film office of any state would dare to do.

26 **913.** If in fact, the Hollywood studios have not gone through this level of fraud, then
27 the Hawaii Film Office, complete with starry, wide eyes, have discriminated against the
28 Filmmaker either through his religious beliefs (a violation of the First Amendment) or

1 against him as an independent filmmaker (a violation of the Hawaii Whistleblower Act)

2 This is a text-book case of self-dealing.

3 914. On or about August 2018, Filmmaker sent several emails to the Attorney
4 General's office and the Governor's office to attempt to understand why the Hawaii Film
5 Office was taking so long. The Hawaii Film Office refused to answer any emails.

6 915. Something was truly wrong here.

7 916. Finally, after legal threats, the Hawaii Film Office, in the most overt fraud of
8 perhaps any governmental agency in the state, then sent Filmmaker an astounding list of
9 complete lies and fabrications.

10 917. Defendants said because Filmmaker has not proved any of his receipts, he is not
11 entitled to a 20% rebate. Filmmaker immediately knew he was duped.

12 918. The Hawaii Film Office sent a list of requirements that are filled with complete
13 fraud and lies. It's almost jaw-dropping how each remaining requirement had already
14 been fulfilled.

15 919. The Hawaii Film Office sent a one-page sheet that looked like it took ten minutes
16 to do – not 9 months (see Exhibit A). The Filmmaker will show this smacks of the
17 juvenile and utterly fraudulent way the Hawaii Film Office went to avoid paying the 20%
18 rebate.

19 920. Among the several 'items' that Hawaii Film Office said the Filmmaker had to
20 prove was the actual shooting location of Kualoa Ranch (See Exhibit A). Filmmaker sent
21 the bill, the cancelled checks, and the Defendants still said Filmmaker could not prove
22 this expense. A simple phone call could verify this expenditure.

23 921. The sheet again shows scores of names of crew that Filmmaker already gave the
24 Hawaii Film Office every single GET Tax ID that they required. Yet it ignores key
25 actor's salaries, key equipment rentals, hotels – it's an absolute fraudulent document.²⁰

26
27
28 ²⁰ The one-sheet contains over 50 crew and cast that have already been
accounted for. The only way to explain the red marks is the Hawaii Film

1 922. Defendants Benita Brazier and Donne Dawson clearly acted outside the scope of
2 their agency in wanting to pay back Filmmaker in retribution for several reasons
3 Filmmaker will prove at trial.

4 923. The State of Hawaii should not defend Ms. Brazier or Ms. Dawson.

5 924. Filmmaker will call on several key witnesses in the cast, crew, and extras to prove
6 the Film Office is in disarray. He expects the trial to go for at least ten weeks and asks the
7 Honorable Court's patience as Filmmaker is bracing for extensive discovery (and
8 possible Motions to Compel with sanctions) to take place during this litigation.

9 925. This case is very important as there must be freedom of speech in Hawaii and that
10 federal law still supercedes state law. Hawaii is part of America and most Hawaiians
11 want that.

12 926. Filmmaker will subpoena every crew member for depositions to testify to the
13 events as true. And if Defendants lie during their sworn depositions, Filmmaker will file a
14 criminal complaint with the D.A. for perjury and possible Federal intervention.
15 Filmmaker will begin depositions within 30 days of the service of the Complaint to get a
16 head start on all discovery.

17 927. Filmmaker believes the damages to the movie are permanent and irrecoverable
18 due to Defendant's actions.

19 928. It is paramount that the Honorable Court grant Filmmaker broad discretion in
20 ascertaining what is going on as Filmmaker expects to file multiple Motions to Compel as
21 the Defendants have proven themselves deftly good at avoiding or ignoring questions
22 pertaining to their conduct.

23 929. Defendant's actions left the film in total chaos. The film went overbudget because
24 of their actions and the Filmmaker had to pay the overbudget out of his own pocket.

25
26
27 Office is doing everything possible to sabotage and not pay Filmmaker. This
28 is indisputable evidence. Filmmaker will submit all of the evidence during
discovery and will file a Motion to seal the documents.

1 930. Again, Filmmaker testifies, under penalty of perjury, that he has never sued any
2 governmental agency in his entire life.

3 931. Filmmaker will depose Defendants Benita Brazier, Donne Dawson in November.
4 He will then depose other filmmakers who have shot movies in Hawaii.

5 932. Filmmaker will file a Pre-Judgment Writ of Attachment on all of Defendant's
6 personal and corporate assets and believes he has been damaged by no less than \$135
7 million in actual and punitive damages and will spend the next 5 years outlying the case
8 against the Defendants. They need to be punished severely for their contemptible
9 mistreatment of a filmmaker who tried to honor the people of Hawaii and their valiant
10 and courageous leader two hundred years ago.

11 933. Filmmaker is exiting making the next films in Hawaii and the damages are stark
12 and real – due mostly because of Defendant's fraud and deceit. This will be calculated in
13 the damages against Defendants.

14 934. Filmmaker also will depose crew members and others who Defendants divulged
15 confidential information.

16 935. Filmmakers request the court to expedite discovery and set a trial date in the most
17 expeditious manner if possible.

18
19 **COUNT 13 – UNFAIR COMPETITION**
20

21 936. Filmmaker repeats and realleges each and every allegation contained in
22 paragraphs 1 through 936 above as if fully set forth herein.

23 937. The Lanham Act (commonly known as Section 43(a)) provides as follows:
24 Any person who, on or in connection with any goods or services, or any container for goods,
25 uses in commerce any word, term, name, symbol, or device, or any combination thereof, or any
26 false designation of origin, false or misleading description of fact, or false or misleading
27 representation of fact, which—
28

1 is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation,
2 connection, or association of such person with another person, or as to the origin,
3 sponsorship, or approval of his or her goods, services, or commercial activities by
4 another person, or in commercial advertising or promotion, misrepresents the
5 nature, characteristics, qualities, or geographic origin of his or her or another
6 person's goods, services, or commercial activities, shall be liable in a civil action
7 by any person who believes that he or she is or is likely to be damaged by such
8 act. 41 U.S.C. § 1125(a)(1).

9 **938.** On or about March 2017, Filmmaker decided to film 'The Islands' after being
10 assured that the Defendant Hawaii Film Office would give a 20% rebate on the budget
11 that the Film Office gives to all filmmakers. This was extremely important to the
12 Filmmaker as many production companies base their entire decision for where to film
13 based on the movie tax credits of each state. This is common industry knowledge and
14 practice.

15 **939.** Also, the 20% rebate is critically important for P&A (prints and advertising) for
16 the film's exposure and marketing funds.

17 **940.** Had Filmmaker known that Defendants would even attempt not to reward the
18 20% rebate because they didn't like the content of the movie, the Filmmaker's beliefs, or
19 his personality per se, Filmmaker would never have even launched such a huculean effort
20 in making the film, including casting an Academy-Award winning actress, a legendary
21 actor, and a 98% Native Polynesian cast. Filmmaker would simply have made another
22 film in another state. Filmmaker has made 12 movies in 22 years. He did not need the
23 horrific grief imposed by Defendants collectively.

24 **941.** It is very rare for any governmental agency to act as juvenile, vindictive, and
25 incompetent as the Hawaii Film Office. It's astonishing as Filmmaker has worked with
26 the Connecticut, Lousiana, Virginia, Fiji, California, Michigan, and North Carolina film
27 offices with absolutely no issues or problems. In fact, the Connecticut Film Office gave
28

1 Filmmaker his 30% tax rebate for 'Freedom' (Cuba Gooding, Jr., Sharon Leal, William
2 Sadler) within 30 days after the paperwork was turned in.

3 **942.** But Filmmaker again reminds the Court that the state agencies of Hawaii were
4 given a D+ for integrity and Hawaii is considered the most corrupt government of any
5 state in the U.S. This has to improve now or the \$13 billion rail program will never be
6 finished in our lifetime. This is not a slight on the hard-working Hawaii government
7 employees, but to the small vocal minorities who pride themselves on laziness and
8 ineptness as a way of life.

9 **943.** Defendants starkly violated the Lanham Act in the advertisements and dealings
10 with Filmmaker.

11 **944.** On or about November 17, 2017, Filmmaker submitted the preliminary budget to
12 the Film Office (see EXHIBIT C). As the Honorable Court can see, the preliminary
13 requirements were met except for two items which were later fulfilled and never a subject
14 of dispute.

15 **945.** At no time did the Hawaii Film Office ever contact the Filmmaker to alert him to
16 anything that was not completed or out of the ordinary. In fact, they were silent for
17 almost eight months.

18 **946.** On or about November 20, 2017, Filmmaker again inquired about the \$1,000
19 contribution that was required to be made to the University of Hawaii Foundation (see
20 EXHIBIT D). This again shows how astute and careful Filmmaker was to the
21 requirements set forth by the Hawaii Film Office.²¹

22
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25 ²¹ The \$1,000 requirement is yet another misrepresentation of the Hawaii Film
26 Office's advertising and promotions as this falls beneath the 20% rebate back
27 then, i.e., you have to pay an additional \$1,000 to be considered for a
28 rebate.

1 947. Filmmaker then donated \$1,000 to the University of Hawaii Foundation in
2 accordance to the requirements (Filmmaker and his wife give 90% of their wealth away
3 to charity or to their faith-based endeavors).

4 948. On or about December 2017, Filmmaker received the pre-qualification letter (See
5 EXHIBIT E and F). At no point, did the Hawaii Film Office ever question or comment on
6 any part of the film's production or requirements.

7 949. Multiple calls from March 2017 to February 2018 to Defendant Brazier again
8 confirmed Filmmaker was on track to receive his rebate.

9 950. On or about December 11, 2017, the Hawaii Film Office submitted an email (See
10 EXHIBIT G) which outline precisely the 7 remaining requirements left to get the tax
11 certificate.

12 951. Filmmaker fulfilled every single requirement and more so and will testify, under
13 the penalty of perjury (that carries a jail sentence), that every single requirement was
14 fulfilled with complete honesty and integrity.

15 952. This will be proven with 'smoking-gun' evidence at trial and during the Motion
16 for Summary Judgment.

17 953. To reiterate the point again, had Filmmaker not been deceived by Defendant's
18 action, Filmmaker would not have filmed any movie in Hawaii. Period.

19 954. Nevertheless, it gets worse.

20 955. On or about December 11, 2017, Filmmaker sent an email simply re-confirming
21 what constitutes a vendor by the Hawaii Film Office (see EXHIBIT H).

22 956. In the most juvenile, condescending, and vicious response, Defendant Brazier
23 replied to Defendant Dawson, "Should we use the definition of vendor in the
24 dictionary???" She unwittingly copied herself in her reply to the Filmmaker.

25 957. As it turns out, this requirement is the exact same thing the Hawaii Film Office
26 fraudulently used in their desperate attempts to sabotage, smear, and hurt Filmmaker by
27 denying the rebate. They questioned what constitutes a vendor. It's the 'Confederacy of
28 Dunces' all over again.

1 **958.** This also proves the immature lengths the Defendants, collectively, have gone to
2 avoid giving the Filmmaker his earned rebate. It's run like a junior high school.

3 **959.** Again, Filmmaker has worked with the film departments of Connecticut,
4 Louisiana, Georgia, Virginia, North Carolina, California, et al and has never encountered
5 such an immature, hostile, mean-spirited, incompetent, sneaky, slow, sensitive, and
6 manipulative conduct ever. Filmmaker has been in the business for over 22 years again
7 and has made 12 movies.

8 **960.** The Filmmaker again believes the Honorable U.S. District Court and jury will
9 find sufficient evidence in the months, and possible years to come, of another corrupt
10 Hawaiian government agency that needs Federal investigation.

11 **961.** Filmmaker will depose all of the parties at the Hawaii Film Office and past UPMs
12 and line producer of every single past film to prove there is widespread and gross
13 incompetence at every level.

14 **962.** Filmmaker also plans to file a whistleblower lawsuit against the Hawaii Film
15 Office and the Hollywood studios for wasting the taxpayer's money. Filmmaker will file
16 motions to compel the paperwork to see every single budget that the Film Office has
17 given millions of dollars to the studios and yet denied a simple rebate to the Filmmaker.

18 **963.** On or about December 2017, Filmmaker finished the final paperwork and
19 contacted the Defendant Hawaii Film Office to begin the tax rebate final process and was
20 told the tax certificate would be sent within 3 to 6 months. – which is also stated on the
21 Hawaii Film Office website and on their official forms. It is now October 2018 at the
22 time of the filing of this suit. This is tragic in every respect.

23 **964.** Again, having the tax certificate was critical in both post-production money and
24 for the investors. The Defendants were fully aware of this.

25 **965.** Despite numerous emails, Defendants repeatedly dragged their feet and returned
26 emails sometimes a month later.

27 **966.** They then stated Filmmaker had to do other tasks that were never in the intital
28 conversations.

1 967. Filmmaker shook his head in disbelief. Filmmaker immediately sensed something
2 was terribly wrong.

3 968. Again, Defendants hid the relationships of those that created friction and their
4 motives of 'teaching the filmmaker a lesson' by delaying the tax certificate to now 9
5 months. This a textbook case of fraud and deceit.

6 969. Again, Filmmaker would never have filmed a movie in Hawaii had he known of
7 this fraud and deceit, misrepresentation, civil conspiracy and other conduct the Hawaii Film
8 Office would so brazenly do.

9 970. Furthermore, they even admitted themselves that the office has come under
10 intense scrutiny by legislatures for previous blunders which will be part of the
11 whistleblower lawsuit. This again is total fraud and deceit and a total conflict of interest.

12 971. Defendants went beyond being crafty/sneaky to fraud and deceit as the Court will
13 see throughout this Complaint. These are the most dishonorable actions that Filmmaker
14 has ever worked with in 22 years. Here Filmmaker shot a movie that would honor a
15 Hawaiian Chiefess, pay good-paying jobs to Hawaiian/Polynesians, and the Hawaii Film
16 Office back-stabbed him by deceiving him and playing little juvenile high-school games
17 no other film office of any state would dare to do.

18 972. If in fact, the Hollywood studios have not gone through this level of fraud, then
19 the Hawaii Film Office, complete with starry, wide eyes, have discriminated against the
20 Filmmaker either through his religious beliefs (a violation of the First Amendment) or
21 against him as an independent filmmaker (a violation of the Hawaii Whistleblower Act)
22 This is a text-book case of self-dealing.

23 973. On or about August 2018, Filmmaker sent several emails to the Attorney
24 General's office and the Governor's office to attempt to understand why the Hawaii Film
25 Office was taking so long. The Hawaii Film Office refused to answer any emails.

26 974. Something was truly wrong here.
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28

1 975. Finally, after legal threats, the Hawaii Film Office, in the most overt fraud of
2 perhaps any governmental agency in the state, then sent Filmmaker an astounding list of
3 complete lies and fabrications.

4 976. Defendants said because Filmmaker has not proved any of his receipts, he is not
5 entitled to a 20% rebate. Filmmaker immediately knew he was duped.

6 977. The Defendant's conduct must be extreme and outrageous and caused enormous
7 infliction of emotional distress and caused Filmmaker to seek counseling with Pastors.

8 978. This is a text book case of Intentional Infliction of Emotional Distress (IIED).

9 979. The Hawaii Film Office sent a list of requirements that are filled with complete
10 fraud and lies. It's almost jaw-dropping how each remaining requirement had already
11 been fulfilled.

12 980. The Hawaii Film Office sent a one-page sheet that looked like it took ten minutes
13 to do – not 9 months (see Exhibit A). The Filmmaker will show this smacks of the
14 juvenile and utterly fraudulent way the Hawaii Film Office went to avoid paying the 20%
15 rebate.

16 981. Among the several 'items' that Hawaii Film Office said the Filmmaker had to
17 prove was the actual shooting location of Kualoa Ranch (See Exhibit A). Filmmaker sent
18 the bill, the cancelled checks, and the Defendants still said Filmmaker could not prove
19 this expense. A simple phone call could verify this expenditure.

20 982. The sheet again shows scores of names of crew that Filmmaker already gave the
21 Hawaii Film Office every single GET Tax ID that they required. Yet it ignores key
22 actor's salaries, key equipment rentals, hotels – it's an absolute fraudulent document.²²

24 ²² The one-sheet contains over 50 crew and cast that have already been
25 accounted for. The only way to explain the red marks is the Hawaii Film
26 Office is doing everything possible to sabotage and not pay Filmmaker. This
27 is indisputable evidence. Filmmaker will submit all of the evidence during
28 discovery and will file a Motion to seal the documents.

1 983. Defendants Benita Brazier and Donne Dawson clearly acted outside the scope of
2 their agency in wanting to pay back Filmmaker in retribution for several reasons
3 Filmmaker will prove at trial.

4 984. The State of Hawaii should not defend Ms. Brazier or Ms. Dawson.

5 985. Filmmaker will call on several key witnesses in the cast, crew, and extras to prove
6 the Film Office is in disarray. He expects the trial to go for at least ten weeks and asks the
7 Honorable Court's patience as Filmmaker is bracing for extensive discovery (and
8 possible Motions to Compel with sanctions) to take place during this litigation.

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10 federal law still supercedes state law. Hawaii is part of America and most Hawaiians
11 want that.

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13 events as true. And if Defendants lie during their sworn depositions, Filmmaker will file a
14 criminal complaint with the D.A. for perjury and possible Federal intervention.
15 Filmmaker will begin depositions within 30 days of the service of the Complaint to get a
16 head start on all discovery.

17 988. Filmmaker believes the damages to the movie are permanent and irrecoverable
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20 ascertaining what is going on as Filmmaker expects to file multiple Motions to Compel as
21 the Defendants have proven themselves deftly good at avoiding or ignoring questions
22 pertaining to their conduct.

23 990. Defendant's actions left the film in total chaos. The film went overbudget because
24 of their actions and the Filmmaker had to pay the overbudget out of his own pocket.

25 991. Again, Filmmaker testifies, under penalty of perjury, that he has never sued any
26 governmental agency in his entire life.

27 992. Filmmaker will depose Defendants Benita Brazier, Donne Dawson in November.
28 He will then depose other filmmakers who have shot movies in Hawaii.

1 **993.** Filmmaker will file a Pre-Judgment Writ of Attachment on all of Defendant's
2 personal and corporate assets and believes he has been damaged by no less than \$135
3 million in actual and punitive damages and will spend the next 5 years outlying the case
4 against the Defendants. They need to be punished severely for their contemptible
5 mistreatment of a filmmaker who tried to honor the people of Hawaii and their valiant
6 and courageous leader two hundred years ago.

7 **994.** Filmmaker is exiting making the next films in Hawaii and the damages are stark
8 and real – due mostly because of Defendant's fraud and deceit. This will be calculated in
9 the damages against Defendants.

10 **995.** Filmmakers request the court to expedite discovery and set a trial date in the most
11 expeditious manner if possible.

12 **996.** The bare facts – taken alone – prove without doubt – that Defendants, collectively
13 and individually, violated the Lanham Act by advertising their services and duping
14 Filmmaker for their own gain.

15 **997.** As a direct and proximate result of the foregoing material breaches of the signed,
16 written contract, Filmmakers have been damaged in an aggregate amount to be
17 determined at trial, in excess of the jurisdictional minimum of this court.

18
19 **COUNT 14 –PROMISSORY ESTOPPEL**

20
21 **998.** Filmmaker repeats and realleges each and every allegation contained in
22 paragraphs 1 through 998 above as if fully set forth herein.

23 **999.** The facts set forth above, and in particular in paragraphs 1-998 demonstrate that
24 Filmmaker relied to its detriment upon Defendants's promises.

25 **1000.** Accordingly, Defendants are estopped from denying the agreements with respect
26 to the movie and Filmmaker is entitled to damages for its reliance in an amount to be
27 determined at trial, in excess of the jurisdictional minimum of this Court, and believed to
28 be no less than \$135,000,000.

1
2 **COUNT 15 – BREACH OF ACCOUNTING**
3

4 1001. Filmmaker repeats and realleges each and every allegation contained in
5 paragraphs 1 through 1001 above as if fully set forth herein.

6 1002. Defendants clearly breached all accounting methods in not even doing simple
7 mathematics. They failed to add up all the expenditures and tried to lay the blame on
8 Filmmaker and have him triple-check to show they were in error.

9 1003. Filmmaker has ‘smoking-gun’ evidence of this in the one-sheet the Hawaii Film
10 Office submitted to Filmmaker in their rejection of his due rebate.

11 1004. Again, this goes to the heart of who the Defendants are and the complete
12 disrespect they’ve shown the Filmmaker by submitting the one-sheet filled with total
13 errors and fabrications.

14 1005. This is in complete breach of contract and breach of accounting.

15 1006. Filmmaker may also seek assistance with the Attorney General to investigate any
16 crimes that have also been committed against Filmmakers and other artists.

17 1007. Again, Filmmaker is not the only one who Defendants have mistreated and
18 possibly scammed. He will call upon other producers who have worked with Defendants.
19 But regardless, there are enough provable facts for this case to go to trial in 2019/2020.

20 1008. Defendants completely refused to provide any further explanation to where
21 Filmmaker’s complete package went despite Filmmaker asking, “What on earth is going
22 on?”

23 1009. As a direct and proximate result of the foregoing material breaches of the signed,
24 written contract regarding accounting, Filmmakers have been damaged in an aggregate
25 amount to be determined at trial, in excess of the jurisdictional minimum of this court,
26 believed to be no less than \$135 million.

27
28 **COUNT 16 – DECLARATORY RELIEF**

1
2 1010. Filmmaker repeats and realleges each and every allegation contained in
3 paragraphs 1 through 1010 above as if fully set forth herein.

4 1011. An actual and justiciable controversy has arisen between Filmmaker and
5 Defendants. Filmmaker, for his respective interests as set forth above, contends:

6 1012. By the conduct of defendants alleged hereinabove, defendants materially breached
7 the signed Hawaii Production Report to obtain his rebate.

8 1013. By the conduct of Defendants alleged hereinabove, Defendants have materially
9 breached other duties imposed by contract and/or law with respect to Filmmaker;

10 1014. Filmmaker is informed and believe that Defendants are defaming him via third
11 parties.

12 1015. Filmmaker is informed and believes that Defendants denies the foregoing
13 contentions.

14 1016. Filmmaker desires a judicial determination of their rights, duties, and remedies
15 with respect to the foregoing matters. A judicial declaration is necessary and appropriate
16 so the parties may proceed in accordance with their rights and obligations as determined
17 by the court.

18
19 **COUNT 17 – UNJUST ENRICHMENT**

20
21 1017. Filmmaker repeats and realleges each and every allegation contained in
22 paragraphs 1 through 1017 above as if fully set forth herein.

23 1018. As a result of Defendants's conduct alleged hereinabove, defendants have been
24 unjustly enriched at the expense of the filmmakers, in their respective interests as set
25 forth above.

26 1019. Filmmakers do not yet know the full amount by which defendants, Defendants,
27 and Does 1-10 have been so enriched, but are informed and thereon allege that said sum
28 exceeds \$135 million.

1
2 **COUNT 18 – PRELIMINARY AND PERMANENT**
3 **INJUNCTION**
4

5 1020. Filmmaker repeats and realleges each and every allegation contained in
6 paragraphs 1 through 1020 above as if fully set forth herein.

7 1021. Due to defendant's wrongful conduct, breaches of contracts, breaches of
8 obligations, fraud and deceit, Filmmaker is informed and believes that Defendants will
9 continue to violate the provisions of the rebate program because of their ignorance of the
10 law and because of their uneducated beliefs the law does not apply to them. Unless such
11 conduct is enjoined and restrained by an order of the Court, Filmmaker and other
12 filmmakers of possible faith or filmmakers who want to do Hawaiian historical films will
13 continue to suffer great and irreparable injury.

14 1022. Filmmakers lack an adequate remedy at law for the injuries that would be suffered
15 as a result of Defendants's flagrant breach of the rebate requirements and because
16 pecuniary damages are insufficient to wholly compensate Filmmaker for their injuries
17 and because it is difficult to ascertain the amount of damages required to afford adequate
18 relief.

19 1023. Filmmaker thus requests that this Court grant a preliminary injunction and
20 permanent injunction enjoining the Hawaii Film Office and these Defendants, and each
21 of them, and their agents, servants, and employees, and all such persons acting under, in
22 concert with, or for defendants to cease any and all operations until the FBI, Hawaii
23 Attorney General, this Honorable U.S. District Court, and the State Legislature clear the
24 Defendants and the Hawaii Film Office of any wrongdoing.

25
26 **COUNT 19 – WRIT OF ATTACHMENT**
27

28 1024. Filmmaker repeats and realleges each and every allegation contained in

1 paragraphs 1 through 1024 above as if fully set forth herein.

2 1025. Filmmaker will be seeking a Writ of Attachment against Defendants property,
3 Defendant’s bank accounts, Defendant’s post-production business, houses, cars, boats,
4 and any and all personal assets that allows the Filmmaker within a lawsuit to seek a
5 “prejudgment writ of attachment” by which it can freeze certain assets of a
6 debtor/defendant.

7 1026. Certain criteria must be met by the creditor for it to succeed in obtaining a
8 prejudgment writ of attachment as set forth:

- 9 - The underlying claim by the Filmmaker must be based upon a contract ;
- 10 - The Filmmaker must show the “probable validity” of the claim against the defendant;

11 and

- 12 - The defendants must be a business;

13 Filmmaker is informed and believes that the prejudgment writ of attachment is valid in this
14 case. All of the elements and requierements proved by a preponderance of the evidence, and will
15 seek an immediate writ by this Court after the suit commences.

16 211. Filmmaker seeks a Writ of Attachment on Defendant’s personal houses, bank
17 accounts, and individual property until this dispute is resolved. This includes freezing any assets
18 and future assets until the final outcome and/or Filmmaker prevails.

19
20 **DAMAGES**

21
22 **WHEREFORE**, Filmmakers prays for judgment in their favor as follows:

- 23
- 24 **1. For Compensatory damages according to proof but exceeding the jurisdictional**
- 25 **limit of this court;**
- 26 **2. For punitive and exemplary damages in an amount sufficient to punish and make**
- 27 **an example of defendant’s wrongful conduct;**
- 28 **3. For Demand for a Full and Unconditional Jury Trial by 2019;**
- 4. For declaration of the parties’ rights and obligations as alleged hereinabove;**

- 1 **5. For restitution of all amounts by which defendants have been unjustly enriched**
2 **as the result of their wrongful conduct;**
- 3 **6. For the reasonable value of Filmmaker's services;**
- 4 **7. For general damages which, to the extent possible, will put Filmmaker in the**
5 **position it would have been in had defendants not breached the contracts, all**
6 **according to proof at trial, but in excess of the jurisdictional minimum of this**
7 **Court.**
- 8 **8. For attorney expenses, fees, and costs of suit incurred herein, including all attorney's**
9 **fees, including attorney's fee at \$550/hour.**
- 10 **9. For interest at the maximum legal rate;**
- 11 **10. For prejudgment or other award at the maximum rate permitted by law;**
- 12 **11. For an Injunction requiring the Hawaii Film Office to cease any and all operations**
13 **until the FBI, Hawaii Attorney General, this Honorable U.S. District Court, and the**
14 **State Legislature clear the Defendants and the Hawaii Film Office of any**
15 **wrongdoing**

16 **DATED: October 3, 2018**

17
18 BY 

19 **Timothy Allen Chey, Esq (In Pro Per)**

20 **Attorney at Law**

21 **California State Bar No. 172096**