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Attorneys for Plaintiffs
UALANI GOUVEIA and
DENNIS GOUVEIA

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

UALANI GOUVEIA and DENNIS)
GOUVEIA, Individually and in behalf)
of D. K.W.G., a minor,)
)
Plaintiffs,)
)
vs.)
)
CITY AND COUNTY OF)
HONOLULU; DOE OFFICER #1)
DOE OFFICER 2; DOE OFFICER)
#3; JOHNATHON SINAPATI;)
BRITTANY MIYAKE; and DOE)
DEFENDANTS 4-20,)
)
Defendants.)
_____)

CIVIL NO. _____
(Other Civil Action)

COMPLAINT FOR DAMAGES:
SUMMONS

COMPLAINT FOR DAMAGES

Plaintiffs UALANI GOUVEIA and DENNIS GOUVEIA [hereinafter "Plaintiffs"],
by and through their undersigned attorneys, hereby alleges as follows:

INTRODUCTION

1. This action arises from an incident on September 12, 2021, in which Plaintiffs' fourteen year old minor son D.K.W.G. suffered catastrophic and near fatal injuries when the automobile in which he was a passenger was forced off the road and crashed due to the negligent and/or reckless and/or deliberate conduct of the Defendants.

PARTIES

2. Plaintiffs are the natural parents of D K.W.G. born in Honolulu, Hawaii, on October 7, 2006.

3. Plaintiffs and their minor son are and have been residents of the City and County of Honolulu, State of Hawaii, at all times pertinent hereto.

4. Defendant CITY AND COUNTY OF HONOLULU (hereinafter "City") is a municipal corporation duly organized and existing under the laws of the State of Hawai'i as a political subdivision thereof and Defendant City is sued herein for the actions and/or omissions of one or more of its officers, officials, employees, and/or departments, including the Honolulu Police Department ("HPD").

5. Defendant DOE OFFICER #1 is a resident of the City and County of Honolulu, State of Hawaii, and is and was employed as a police officer by HPD at all times pertinent hereto. Defendant Doe Officer #1 is sued herein in his or her individual and official capacities. The true and correct identity of Doe Officer #1 is not yet known to Plaintiff despite reasonable investigation and will be supplemented with the actual identity of the officer when it becomes known.

6. Defendant DOE OFFICER #2 is a resident of the City and County of Honolulu, State of Hawaii, and is and was employed as a police officer by HPD at all times pertinent hereto. Defendant Doe Officer #2 is sued herein in his or her individual and official capacities. The true and correct identity of Doe Officer #2 is not yet known to Plaintiff despite reasonable investigation and will be supplemented with the actual identity of the officer when it becomes known.

7. Defendant DOE OFFICER #3 is a resident of the City and County of Honolulu, State of Hawaii, and is and was employed as a police officer by HPD at all times pertinent hereto. Defendant Doe Officer #3 is sued herein in his or her individual and official capacity. The true and correct identity of Doe Officer #3 is not yet known to Plaintiff despite reasonable investigation and will be supplemented with the actual identity of the officer when it becomes known.

8. DOE DEFENDANTS 4-20 (hereinafter "Doe Defendants") are associates, officers, employees, agents, and/or representatives of the named Defendants, and/or the Doe Defendants may have contributed to or may be responsible for the injuries and damages alleged herein. Doe Defendants are sued herein under fictitious names for the reason that their true names and identities are presently unknown to Plaintiff and her attorneys despite due diligence. The true names and capacities of the Doe Defendants will be substituted as they become known. The Doe Defendants are sued herein both in their individual and official capacities.

9. Plaintiffs are informed and believe, and thereupon allege, that Defendant JOHNATHON SINAPATI ("Defendant SINAPATI") is the driver and Defendant BRITTANY MIYATAKE ("Defendant MIYATAKE") is the owner of the vehicle in which Plaintiffs' minor son was riding as a passenger at the time he was seriously injured. Plaintiffs are informed and believe that Defendants SINAPATI and MIYATAKE are and were residents of the City and County of Honolulu, State of Hawaii, at all times pertinent hereto.

FACTUAL ALLEGATIONS

10. In the early morning on Sunday, September 12, 2021, D.K.W.G. was socializing at the beach with several other persons when Honolulu Police Officers including DOE OFFICERS #1, #2, and #3 arrived at the scene and caused the group to disperse.

11. Plaintiffs are informed and believe, and thereupon allege, that because the persons who accompanied their minor son to the beach already had left the area, D.K.W.G. requested and was permitted to leave in the car operated by Defendant SINAPATI and owned by Defendant MIYATAKE.

12. Plaintiffs are informed and believe, and thereupon allege, that the car in which D.K.W.G. was riding was pursued at high speed by DOE OFFICERS #1, #2, and #3 until the car left the roadway and crashed causing serious injuries to the driver and all of its occupants.

13. Plaintiffs are informed and believe, and thereupon allege, that despite observing the crash, DOE OFFICERS #1, #2, and #3 simply drove away and failed to provide aid or assistance to the injured parties, including Plaintiffs' minor son.

14. Plaintiffs are informed and believe, and thereupon allege, that sometime later, after emergency medical personnel responded to the scene of the crash, DOE OFFICERS #1, #2, and #3 returned and acted as if they had no knowledge of what had transpired.

15. Plaintiffs are informed and believe, and thereupon allege, that certain of the Defendants then conspired to prepare and issue false reports about the crash in which they characterized the event as an unattended "single car accident" and failed to make any reference to the high speed chase or to the respective roles of DOE OFFICERS #1, #2, and #3 in causing the crash to occur.

16. As a direct and proximate result of the foregoing D.K.W.G. suffered catastrophic, painful, permanent, and disabling injuries to his neck, spine, back, and other parts of his body in amounts to be proven at trial.

17. As a direct and proximate result of the foregoing Plaintiffs have incurred costs and will continue to incur enormous expenses for the medical treatment, care and maintenance of their minor son in amounts to be proven at trial.

18. As a direct and proximate result of the foregoing Plaintiffs and the members of Plaintiffs' extended family have suffered great mental anguish, suffering, pain, and anger as a result of the serious and permanent injuries suffered by D.K.W.G. in amounts to be proven at trial.

COUNT I
(Negligence)

19. Plaintiff hereby incorporates the allegations in paragraphs 1 through 18, above.

20. The conduct of the Defendants as alleged herein was at a minimum negligent or grossly negligent.

21. At all times pertinent hereto the DOE OFFICERS #1, #2, and #3 and certain of the Doe Defendants were on duty and acting herein within the course and scope of their employment with HPD in behalf of Defendant City and County of Honolulu.

COUNT II
(Assault and Battery)

22. Plaintiff hereby incorporates the allegations in paragraphs 1 through 18, above.

23. The conduct of DOE OFFICERS #1, #2, and #3 as alleged herein was knowing, intentional, and malicious and constituted the torts of assault and battery.

WHEREFORE Plaintiffs pray for relief as follows:

a. That judgment be entered in Plaintiffs' favor on each count of the Complaint;

- b. That Plaintiffs be awarded general and special damages against Defendants in amounts to be proven at trial;
- c. That Plaintiffs be awarded punitive damages against individual Defendants in amounts to be proven at trial;
- d. For reimbursement of Plaintiffs' costs and expenses herein, including reasonable provision for attorneys' fees as permitted by law;
- e. For an award of pre and post-judgment interest;
- f. For such further and additional relief as the Court deems just and appropriate.

DATED: Honolulu, Hawai'i. September 21, 2021.

/s/ Eric A. Seitz

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