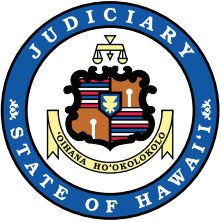



STATE OF HAWAI'I CIRCUIT COURT OF THE SECOND CIRCUIT		SUBPOENA NOTICE TO APPEAR OR <input checked="" type="checkbox"/> SUBPOENA DUCES TECUM; EXHIBIT "A"		Electronically Filed SECOND CIRCUIT 2CCV-23-0000227 25-AUG-2023 11:34 AM Dkt. 20 SDT
CASE NUMBER 2CCV-23-0000227		ATTORNEY PARTY NAME & ADDRESS JAN K. APO 2906 / MARK D. RECK 9316 NAOMI M. KUSACHI 9982 APO, RECK & KUSACHI 24 N. Church Street, Suite 302 Wailuku, Hawaii 96793 (808) 244-6073		
CASE NAME JAN K. APO, Individually and as Trustee for the APO FAMILY TRUST; and APO FAMILY, LLC v. HAWAIIAN ELECTRIC INDUSTRIES, INC., a Domestic Profit Corporation, et al.		DATE: September 25, 2023 TIME: 10:00 a.m.		
THE STATE OF HAWAI'I TO: ANY OFFICER AUTHORIZED BY LAW TO SERVE SUBPOENAS IN THE STATE OF HAWAI'I YOU ARE COMMANDED to subpoena the individual named below.				
NAME AND ADDRESS OF WITNESS MARK THALLER 8736 Lords View Loop Gainesville, Virginia 20155			LOCATION: 8736 Lords View Loop Gainesville, Virginia 20155 or as agreed upon	
			Note: Please see Exhibit "A" attached for list of documents to be produced.	
WITNESS, YOU ARE COMMANDED to appear at the place, date and time indicated and any date thereafter until discharged by the Court to testify as a witness on behalf of the: <input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT <input type="checkbox"/> You are further ordered to bring with you the items listed in the comments section below.			Effective Date of 03-Jul-2023 signed by: /s/M. Ferreira Clerk, 2nd Circuit, State of Hawai'i The original document is filed in the Judiciary's electronic case management system which is accessible via eCourt Kookua at: http://www.courts.state.hi.us	
DISOBEDIENCE of this subpoena may be punished as contempt by this court.				
COMMENTS Please see Exhibit "A" attached for list of documents to be produced.				
 If you need an accommodation for a disability when participating in a court program, service, or activity, please contact the ADA Coordinator as soon as possible to allow the court time to provide an accommodation: Call (808) 244-2855 FAX (808) 244-2932 OR Send an e-mail to: adarequest@courts.hawaii.gov . The court will try to provide, but cannot guarantee, your requested auxiliary aid, service or accommodation.				


STATE OF HAWAII CIRCUIT COURT OF THE SECOND CIRCUIT		SUBPOENA/ SUBPOENA DUCES TECUM RETURN OF SERVICE		
CASE NUMBER 2CCV-23-0000227		NAME AND ADDRESS OF WITNESS MARK THALLER 8736 Lords View Loop Gainesville, Virginia 20155		
CASE NAME: JAN K. APO, Individually and as Trustee for the APO FAMILY TRUST; and APO FAMILY, LLC v. HAWAIIAN ELECTRIC INDUSTRIES, INC., a Domestic Profit Corporation, et al.				
SERVICE WAS MADE AT:	DATE:	TIME:	PLACE:	
<p>COMMENTS</p> <p><input type="checkbox"/> I served the above named person. <input type="checkbox"/> I served this subpoena on another individual. (explain)</p>				
DATE:	TYPE OR PRINT NAME OF SERVER:		SIGNATURE	
 <p>If you need an accommodation for a disability when participating in a court program, service, or activity, please contact the ADA Coordinator as soon as possible to allow the court time to provide an accommodation: Call (808) 244-2855 FAX (808) 244-2932 OR Send an e-mail to: adarequest@courts.hawaii.gov. The court will try to provide, but cannot guarantee, your requested auxiliary aid, service or accommodation.</p>				

EXHIBIT "A"

MARK THALLER is required by Subpoena Duces Tecum to have available for turning over the following on the date and time provided:

1. All correspondence between the witness and Hawai'i Electric Industries, Inc. ("HEI"), and its affiliated companies, concerning the safety of its electrical grid equipment and/or the need to replace, upgrade or harden the same, including but not limited to documents relating to:
 - a. HEI's Knowledge of Wildfire Risk;
 - b. HEI's Acknowledgment of the Need for Wildfire Mitigation;
 - c. HEI Discussion of Need for Electrical Grid Hardening;
 - d. HEI Decisions to Defer wildfire mitigation CAPEX to future years.

2. The following correspondence between the witness and Hawai'i Electric Industries, Inc. ("HEI"), and its affiliated companies:
 - a. Thaller Letter – Notification to HECO BOD of Thaller Concerns (Bates 1-10);
 - i. Attachment A from BOD Letter – June 6 (corrected from "June 8") Ethics Investigation (Bates 11-202).pdf;
 - ii. Attachment B from BOD Letter; PAP Narratives 1-5 and docs (Bates 203-259).pdf;
 - iii. Attachment C from BOD Letter; PAP #5 Rev-a (Bates 260-267).pdf;
 - iv. Attachment D from BOD Letter; Ethics Letter. to HECO Legal (Bates 268-285).pdf;
 - v. Attachment E from BOD Letter; Email to file about PSIP (Bates 286).pdf;
 - vi. Attachment F from BOD Letter; Email; MCT Comments to MIE Letter to 10-28-2016 (Bates 287).pdf;
 - vii. Attachment G from BOD Letter; HECO Legal Email – Duplicate from Attach. D; 10-28-2016 (Bates 288-289).pdf;
 - viii. Attachment H from BOD Letter; MIE Ethics Cover Up by Execs and Legal (Bates 290-295).pdf;
 - ix. Attachment J from BOD Letter; CV-long-Thaller-1-19-2016 (Bates 296-301).pdf;
 - x. Attachment K from BOD Letter; Bio 9-21-2015-1 (Bates 302).pdf;
 - b. Summary Docs for Everything (some duplication) (Bates 303-334).pdf;
 - c. HECO Code of Conduct-Flawed-NA for Executives (Bates 335-378).pdf;
 - d. HR Docs-Misc (Bates 379-393).pdf;
 - e. NDA-HECO-Code-of-Conduct (Bates 394-426).pdf;
 - f. Pre-Employment-and-Misc (Bates 427-454).pdf;
 - g. Suggested Strategy Ideas – Docs (Bates 455-517).pdf;
 - h. HECO Slide Decks (fire mitigation plans and other matters) (Bates 518-649).pdf;
 - i. Ikehua Molokai-MIE-Non-Constructive Negotiation (Bates 650-748).pdf.