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1ST CIRCUIT COURT  
STATE OF HAWAII  
FILED

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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

BRANDEN ADKINS, CODY BRANDT, ) CIVIL NO. 10-1-2646-12 RAT  
KEOKI AGOSTO, CLARENCE ) (Non-Vehicle Tort)  
BUTLER, JR., TYSON DECKER, )  
WILLIAM KEKONA III, DANIEL )  
KENOLIO, RYAN-SETH KIAHA, ) COMPLAINT; DEMAND FOR JURY TRIAL;  
KEONE LABATAD, HARRY B. ) SUMMONS  
LOUGHMILLER, JR., JUSTIN LUHIA, )  
EARL NAKI, JASON SANTOS, LOTO )  
SATELE, ALJAMES STANLEY, MOSES )  
THOMPSON, POTAUFA ULA, )  
SHADRACH UNEA, )  
Plaintiffs, )  
vs. )  
CORRECTIONS CORPORATION OF )  
AMERICA, THE STATE OF HAWAII, )  
and JOHN IOANE, )  
Defendants. )

COMPLAINT

Plaintiffs above named, for a claim for relief against Defendants above named, allege as

follows:

COUNT I

1. Plaintiffs are citizens and residents of the State of Hawaii who were sent by the State of Hawaii to be incarcerated in the custody of Corrections Corporation of America (“CCA”).
2. CCA is a corporation or other entity that, in return for substantial payments, entered in to an agreement to incarcerate Hawaii inmates for the State of Hawaii, including at Saguaro Correctional Center.
3. John Ioane is a resident and citizen of the State of Hawaii and employed by the State of Hawaii as a contract monitor and monitors the performance by CCA of its duties under its contract with the State of Hawaii.
4. Defendants at all relevant times owed Plaintiffs a duty to refrain from intentionally or negligently injuring Plaintiffs, a duty to refrain from inflicting cruel and unusual punishment and undue emotional distress upon Plaintiffs, and a duty to respect Plaintiffs’ right to the assistance of counsel and Plaintiffs’ right to refrain from self incrimination, all of which duties Defendants violated.
5. On or about July 26, 2010, an incident occurred where various inmates at Saguaro Correctional Center, which is operated in part for the State of Hawaii by CCA, fought or caused a disturbance.
6. In connection with said occurrence, a lieutenant or other employee of CCA was injured.
7. In retaliation for said attack, CCA, acting on behalf of itself and as agent for the State of Hawaii, through its managing employees and other employees, embarked upon a pattern

of retaliation.

8. Defendants demanded that Plaintiffs provide written statements.

9. When Plaintiffs wrote brief statements, Defendants demanded that Plaintiffs disclose more, and then engaged in the acts alleged herein an effort to coerce further statements.

10. Plaintiffs were beaten and assaulted, including by having their heads banged on tables while they were stripped to their underwear and while their hands were handcuffed behind their backs.

11. Plaintiffs were striped of nearly all of their clothing while being beaten, questioned, and humiliated.

12. Plaintiffs were threatened with harm to themselves and their families, including through statements such as:

a. "We have your emergency contact information;"

b. "We know who your family is and where they live and we are going to harm them;"

c. "We are going to kill you;"

d. "We will continue to beat you and the only way to stop that is to commit suicide;"

e. "We will send you to hell;"

f. "We will stick something up your ass."

13. Inmates were required to get on their knees with their hands handcuffed behind their back, whereupon they were beaten by multiple officers employed by Defendants.

14. Inmates were kicked while on the ground.

15. Inmates were insulted and called names, including "fucker."

16. Inmates were denied the opportunity to change clothes for days.
17. Inmates were denied prompt medical treatment for their injuries in an effort to conceal what had happened.
18. Inmates were told that if they did not provide written statements, their beatings would continue.
19. Beatings in fact continued for those who refused to provide statements.
20. In an effort to conceal what was happening, Defendants violated their own policy that a handheld camera would be used to film inmates whenever they were being handled by the SORT team.
21. As a result duress, force, and threats of force, some of the Plaintiffs provided statements in the hope of ending their beatings.
22. Inmates were told that if they told anyone what had happened, they would be killed or beaten further.
23. CCA personnel, including the warden himself, threatened parents of some inmates, including with longer incarceration.
24. Defendants failed to respect and violated Plaintiffs' rights under Article I, Section 10 and Section 14 of the Constitution of the State of Hawaii not to be compelled to be a witness against oneself and Plaintiffs' rights to have the assistance of counsel.
25. In an effort to conceal what was happening, Defendants deliberately destroyed and failed to preserve evidence of their wrongdoing, including videotapes.
26. In a further effort to conceal what they were doing, Defendants deliberately falsified reports and other information.
27. In an intentional effort to conceal what they were doing, Defendants' employees

intercepted mail, delayed mail, denied mail, and interfered with telephone calls to family and attorneys.

28. During many of the occurrences alleged above, Defendant State of Hawaii had on site its contract monitor, John Ioane, who had actual knowledge and personally was aware of some of the above occurrences, and yet acquiesced in and permitted them to continue.

29. The above actions occurred with the knowledge of management personnel of CCA, including wardens, assistant wardens, chiefs of security, and unit managers.

30. The actions of Defendants and their agents were committed willfully, intentionally, maliciously, for an improper purpose, in reckless disregard for the rights of Plaintiffs, and in a grossly negligent fashion, warranting an award of exemplary or punitive damages against CCA and Defendant John Ioane.

31. The aforesaid actions were outrageous and Defendants negligently and/or intentionally inflicted serious and extreme emotional distress, fear, stress, worry, and anxiety upon Plaintiffs.

32. The actions of Defendants caused Plaintiffs to suffer physical and emotional injuries and other damages in such amounts as shall be shown at trial.

33. THIS ACTION SPECIFICALLY EXCLUDES ANY CLAIMS ARISING UNDER FEDERAL LAW OR UNDER THE UNITED STATES CONSTITUTION. ANY SUCH CLAIMS SPECIFICALLY ARE RESERVED.

34. Plaintiffs are entitled to a temporary restraining order, a preliminary injunction, and a permanent injunction enjoining Defendants from continuing to commit the actions alleged above.

WHEREFORE, Plaintiffs pray for judgment against Defendants for general and special

damages, for exemplary and punitive damages against CCA and Defendant John Ioane, for a temporary restraining order, a preliminary injunction and a permanent injunction enjoining the continuation of the aforesaid acts, and such other relief as the Court deems just and proper in the circumstances.

DATED: Honolulu, Hawaii, December 10, 2010.



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MICHAEL JAY GREEN  
Attorney for Plaintiffs

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.

DATED: Honolulu, Hawaii, December 10, 2010.



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MICHAEL JAY GREEN  
Attorney for Plaintiffs