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In Propria Persona

**United States District Court
District of Hawai i**

Levana Lomma,)	CASE NO. CV 20-00456-JAO-RT
)	
<i>Plaintiff,</i>)	
v.)	MOTION TO AMEND FIRST
)	AMENDED COMPLAINT;
)	EXHIBIT “1”; CERTIFICATE
)	OF SERVICE
Clare E. Connors, et al.)	
)	HONORABLE JILL A. OTAKE
<i>Defendants.</i>)	PRESIDING
)	
)	NO TRIAL DATE SET

Upon review of Defendant Derek S.K. Kawakami’s Rule 12(b)(6) (Fed R. Civ. P.) motion to dismiss, Plaintiff has determined a need to amend the complaint in order to more effectively present Plaintiff’s right to relief. Pursuant to Fed. R. Civ. P. 15(a)(2) Plaintiff humbly requests that the court allow for a second amended complaint to be entered in order to better explain the rights violations

being alleged and to include information unintentionally omitted in the first Amended Complaint as well as add additional claims. Plaintiff has not made a request to the opposing parties counsel being that no contact information for the representatives of Defendant Connors and Defendant Ige has been given. For this reason Plaintiff requests that the right to amend be granted by the court.

Under the Federal Rules, a party amending a pleading after a responsive pleading has been served “may amend his pleading only by leave of court ... and leave shall be freely given when justice so requires.” *See* Fed.R.Civ.P. 15(a).

A court's refusal to grant leave to amend is reviewable under the “abuse of discretion” standard. *Zenith Radio Corp. v. Hazeltine Research, Inc.*, 401 U.S. 321, 330-332, 91 S.Ct. 795, 802-803, 28 L.Ed.2d 77 (1971); *Tefft v. Seward*, 689 F.2d 637 (6th Cir.1982). *Estes v. Kentucky Utilities Co.*, 636 F.2d 1131 (6thCir.1980).

Though the decision to grant leave to amend is committed to the trial court's discretion, that discretion is limited by Fed.R.Civ.P. 15(a)'s liberal policy of permitting amendments to ensure the determination of claims on their merits. *See Espey v. Wainwright*, 734 F.2d 748 (11th Cir.1984).Id at 69

Allowing for a second amendment to the complaint is also necessary in order to comply with Fed. R. Civ. P. 8(a)(2) which asks for “ a short and plain statement of the claim showing that the pleader is entitled to relief,” and this amendment is an attempt to clarify and amplify the original pleading.

Attached as Exhibit “1” is the proposed Second Amended Complaint for Declaratory and Emergency Injunctive Relief in redline format pursuant to the Local Rules of Practice for the United States District Court District of Hawai’i. (LR 10.4)

Respectfully submitted,

DATED: 02/14/2021

Levana Lomma

Levana Lomma, Plaintiff

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In Propria Persona

**United States District Court
District of Hawaii**

Levana Lomma

Plaintiff,

v.

CLARE E. CONNORS, et al

Defendants

) CASE NO. Civil 20-00456-JAO-RT
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CERTIFICATE OF SERVICE

I, Levana Lomma, the Plaintiff in this matter, affirm that a copy hereof and of all attachments to this correspondence was provided to the opposing party by electronic filing through email to the Court Clerk.

According to the Local Rules of Practice for the United States District Court District of Hawai'i (LR5.4.) "[a] party may serve pleadings and other documents, other than service of process, through the court's transmission facilities in accordance with these rules and any administrative procedure adopted by a general

order of this court. Receipt of the NEF shall constitute service pursuant to Fed. R. Civ. P. 5(b)(2)(E).

DATED: 02/14/2021

Levana Lomma

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