

<h1 style="margin: 0;">2019</h1> <h2 style="margin: 0;">High School Mock Trial Case</h2>
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2019 High School Mock Trial Case:

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CASE SUMMARY

In May 2016, **Plaintiff Landry Lamar** was a senior at Glendale High School in Hilo, Hawaii. Landry was working part-time at Bobbie's Burgers, known as "BB's," to save money for college. Landry planned to enroll in UEH (University of East Hilo) Honor's College program the following autumn. On Thursday, May 5, 2016, Landry saw co-worker **Sloan Spencer** attempting to steal money from the "Salute the Generals" donation jar, or so Landry thought. The "Glendale Generals Boosters" is a well-known and well-funded charitable partnership between BB's and the Glendale High School Booster Club to support student sports. Landry believes s/he saw Spencer remove money from the "Salute the Generals" jar and put some money both in Sloan Spencer's pocket and in the restaurant's cash register till. The next day, Landry promptly reported the matter to **Bobbie Garmon**, BB's owner, who became angry.

On Friday, May 6, 2016, Landry clocked out and closed BB's early because it was a slow night. As a result, Bobbie was unable to host a "sportsmanship summit," a longtime tradition, following a major sports game. Bobbie then terminated Landry's employment with BB's on Saturday, May 7, 2016.

Landry has sued Bobbie's Burgers for unlawful "whistleblower" retaliation under Hawaii law.

*This case background is not to be used as evidence in the case.
It is provided for background purposes only.*

PLEADINGS

COMPLAINT

(A Complaint is the document that a Plaintiff files with the court to start a lawsuit.
It contains the Plaintiff's version of the facts of the case.
A Plaintiff must prove the facts in the case. It is up to the jury to decide the facts.)

AND

ANSWER

(An Answer is the document that a defendant files in response to the Complaint.
The Defendant must address each of the points in the Complaint
and give his/her version of the facts.)

Mitchell and McAbee, LLP
A Limited Liability Law Partnership

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Attorney for Plaintiff
LANDRY LAMAR

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAI‘I

LANDRY LAMAR,
Plaintiff,

vs.

BOBBIE’S BURGERS LLC,
Defendant.

Case No. 2017-CV-12-1013
(Whistleblower’s Action)

COMPLAINT

JURY TRIAL REQUESTED

COMPLAINT

COMES NOW Plaintiff Landry Lamar (“Lamar”), by and through the undersigned counsel, and respectfully submits the following Complaint against Bobbie’s Burgers LLC (“Defendant”). In support thereof, Lamar hereby alleges and avers as follows:

NATURE OF THE CASE

1. This lawsuit arises out of Defendant’s unlawful retaliation against Lamar, Defendant’s former employee. During his/her employment with Defendant, Lamar observed and reported to Defendant what Lamar reasonably believed to be theft, fraud, and embezzlement by a coworker in Defendant’s restaurant. Within 24 hours after Lamar blew the whistle on the unlawful conduct, Defendant terminated Lamar’s employment. Defendant did so solely because of Lamar’s protected whistleblower activity.

2. As a result of Defendant's unlawful retaliation, Lamar has suffered substantial economic and noneconomic damages. Accordingly, Lamar brings this action against Defendant.

PARTIES

3. At all relevant times, Lamar was and is a resident of Hilo in the State of Hawaii.

4. At all relevant times, Defendant was and is a Hawaii limited liability company with its principal place of business in Hilo in the State of Hawaii.

JURISDICTION AND VENUE

5. Bobbie Garmon is the sole owner and manager of Bobbie's Burgers aka "BB's." And, therefore, any acts by Bobbie Garmon within his/her authority as owner and manager of the restaurant are considered acts of the Defendant.

6. This Court has original jurisdiction over this action because Lamar seeks over \$50,000 in damages, exclusive of interest and costs.

7. The venue is proper in this Court because all of the facts alleged in this complaint occurred in the jurisdiction of the Circuit Court of the Third Circuit in the County of Hawaii in the State of Hawaii.

STATEMENT OF FACTS

8. In the spring of 2016, Lamar was a senior at Glendale High School in Hilo, Hawaii. Lamar was an academic standout and had been admitted to University of East Hilo (UEH) Honors College. Lamar obtained a full scholarship to UEH, but knew that Lamar would need more money to make ends meet when enrolled.

9. For that reason, in April 2016, Lamar sought and obtained a job at Defendant's restaurant as a cashier/server. Lamar planned to work part-time until graduation from Glendale High School, after which Lamar planned to work full-time.

10. At all times from the beginning of Lamar's employment with Defendant until Defendant unlawfully terminated Lamar, Lamar met Defendant's reasonable performance expectations.

11. In April and May 2016, the Defendant was running a charity drive for the Glendale High School Booster Club, an organization that provides financial support to Glendale High School's athletics program. Defendant had set up a donation jar labeled "Salute the Generals" in Defendant's restaurant, the proceeds from which were represented

to be going to Glendale High School's athletics program. On multiple occasions, the Defendant represented to Lamar and to the public that Garmon would personally match whatever donations were collected in the donation jar at Defendant's Restaurant.

12. On Thursday, May 5, 2016, Lamar was closing Defendant's restaurant for the night. Lamar and Sloan Spencer ("Spencer") a co-worker and fellow student at Glendale High School, split the tips. While Sloan took the cash register till and the "Salute the Generals" jar to Defendant's office, Lamar mopped the floors. Lamar walked into the Defendant's office and saw Spencer remove money from the "Salute the Generals" donation jar and place some of the money in Spencer's pocket and some in the Defendant's cash register till.

13. Lamar reasonably believed that Spencer's conduct was unlawful. Accordingly, the next day, Friday, May 6, 2016, Lamar reported Spencer's conduct to Garmon. When Lamar did so, Garmon became hostile and told Lamar to "keep [Lamar's] nose out of places it does not belong," or words to that effect.

14. The following day, on Saturday, May 7, 2016, Garmon terminated Lamar's employment with Defendant. In doing so, Garmon told Lamar that Garmon "does not like troublemakers," or words to that effect. Garmon claimed that Garmon was terminating Lamar for clocking out a few minutes early the night before. However, Garmon's stated reason was pretext. The real reason for Lamar's termination was that Lamar had previously reported what Lamar reasonably believed to be unlawful conduct by Spencer.

FIRST CAUSE OF ACTION

(Whistleblower's Action)

15. Each and every allegation set forth herein above is realleged and incorporated by this reference as if fully set forth herein.

16. Lamar engaged in protected whistleblower activity when Lamar reported what s/he reasonably believed to be unlawful conduct by Spencer.

17. Lamar suffered an adverse employment action when Defendant terminated Lamar's employment.

18. Lamar's termination was causally connected to Lamar's protected activity. Specifically, had Lamar not reported Spencer's unlawful conduct, Defendant would not have terminated Lamar's employment.

19. As a result of Defendant's unlawful retaliation, Lamar has suffered \$50,000 in economic damages and \$100,000 in non-economic damages.

20. Additionally, pursuant to Haw. Code 8-27-30, Lamar is entitled to recover the reasonable attorneys' fees Lamar incurs in bringing this action.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff Landry Lamar prays for judgment against the Defendant Bobbie's Burgers LLC for:

- A. Awarding Lamar \$50,000.00 in economic damages and \$100,000.00 in non-economic damages against Defendant;
- B. Awarding Lamar the reasonable attorneys' fees and costs incurred by Lamar in bringing this action; and
- C. Granting such other relief as may be just and proper.

DATED: Hilo, Hawaii, June 2, 2016.

Mitchell and McAbee, LLC

Allison Mitchell _____

Allison Mitchell
Attorney for Plaintiff
LANDRY LAMAR

Blue and Associates, LLP
A Limited Liability Law Partnership

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Attorney for Defendant
BOBBIE'S BURGERS LLC

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAI'I

LANDRY LAMAR,
Plaintiff,

vs.

BOBBIE'S BURGERS LLC,
Defendant.

Case No. 2017-CV-12-1013
(Whistleblower's Action)

ANSWER

JURY TRIAL REQUESTED

ANSWER

For its answer to the Plaintiff Landry Lamar's ("Plaintiff's") complaint, defendant Bobbie's Burgers LLC ("BB's") admits, denies, and alleges as follows:

NATURE OF THE CASE

1. Each and every allegation in the Complaint not hereinafter admitted, modified or explained is expressly denied.
2. BB's admits that it terminated Plaintiff's employment on Saturday, May 7, 2016. BB's otherwise denies the allegations in paragraph 1.
3. BB's denies the allegations in paragraph 2.

PARTIES

4. BB's admits the allegations in paragraph 3.

5. BB's admits the allegations in paragraph 4.

JURISDICTION AND VENUE

6. BB's admits the allegations in paragraph 5.

7. BB's admits that this Court has original jurisdiction over this action, but denies that Plaintiff is entitled to the relief that Plaintiff requests as stated in paragraph 6.

8. BB's admits that venue is proper in this Court as stated in paragraph 7.

STATEMENT OF FACTS

9. BB's admits that, in Spring 2016, Plaintiff was a senior at Glendale High School in Hilo, Hawaii and had been admitted to University of East Hilo (UEH) Honors College. BB's is without sufficient information to admit or deny the remaining allegations in paragraph 8, and therefore denies them.

10. BB's admits that in April 2016, Lamar sought and obtained a job at Defendant's restaurant as a cashier/server. BB's is without sufficient information to admit or deny the remaining allegations in paragraph 9, and therefore denies them.

11. BB's denies the allegations in paragraph 10.

12. BB's admits the allegations in paragraph 11.

13. BB's admits that Sloan Spencer ("Spencer") was a co-worker and student at Glendale High School. BB's denies the remaining allegations in paragraph 12.

14. BB's admits that, on Friday, May 6, 2016, Lamar reported to Bobbie Garmon, Defendant's sole owner, that Lamar's co-worker Spencer allegedly was removing money from the "Salute the Generals" donation jar and placing the money in the restaurant's cash register till. BB's otherwise denies the allegations in paragraph 13.

15. BB's admits only that, on Saturday, May 7, 2016, it terminated Lamar's employment with BB's. BB's otherwise denies the allegations in paragraph 14.

FOR A DEFENSE

(Whistleblower's Action)

16. In response to the allegations contained in paragraph 15, BB's incorporates and restates its responses to paragraphs 1 through 14 above.

17. BB's denies the allegations in paragraph 16.

18. BB's admits the allegations in paragraph 17, but asserts the termination was justified and lawful.

19. BB's denies the allegations in paragraph 18.

20. BB's denies the allegations in paragraph 19.

21. BB's denies the allegations in paragraph 20.

WHEREFORE, BB's prays for relief as follows:

A. Dismissing Plaintiff's claims with prejudice;

B. Awarding BB's its costs and disbursements in defending this action; and

C. Granting such other relief as may be just and proper.

DATED: Hilo, Hawaii, June 23, 2016.

Blue and Associates, PA

Sara R. Blue

Sara Renee Blue

Attorney for Defendant

BOBBIE'S BURGERS LLC

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

LANDRY LAMAR,
Plaintiff,

vs.

BOBBIE'S BURGERS LLC,
Defendant.

Case No. 2017-CV-12-1013
(Whistleblower's Action)

STIPULATIONS

STIPULATIONS

The parties agree and stipulate to the following:

Stipulations:

1. This case is governed by the laws of the State of Hawaii. The parties are bound by the law set forth in the Jury Charges. The parties may not argue or present any statutory or case law other than what is cited in the Jury Charges.
2. There are no defects in the pleadings. The Defendants have properly appeared and answered. The Court has jurisdiction over the parties. All questions of fact are being submitted to the jury. Questions of law will be decided by the Court. No law may be argued other than what is contained in the Jury Charges in the Case Materials.^[1]
3. This case has been bifurcated (separated). The only matter to be decided in this trial is liability. Damages, if any, will be decided at a later proceeding.
4. All exhibits included in the Case Materials are authentic and are accurate copies of the originals. No objections to the authenticity of the exhibits will be entertained. The only exhibits to be used at the trial are those included in the Case Materials provided by the Hawaii State Bar Association, Young Lawyers Division.
5. The signatures on the witness statements and all other documents are authentic and signed under oath by each witness.

^[1] This means no additional legal research may be presented at the Mock Trial proceedings.

6. No witness may be examined or cross-examined as to the contents of anything not included in the Case Materials. This includes, but is not limited to, information found on the Internet, social media, books, magazines, and/or other publications.

7. The charge of the Court is accurate in all respects, and no objections to the charge will be entertained.

8. Witnesses who reference exhibits in their affidavits are familiar with the contents of the entire exhibit.

9. At all times relevant to this lawsuit, Landry Lamar was an employee of Bobbie's Burgers LLC aka "BB's" and working within the scope of his/her employment.

10. Bobbie Garmon is the sole owner and manager of Bobbie's Burgers aka "BB's." And, therefore, any acts by Bobbie Garmon within his/her authority as owner and manager of the restaurant are considered acts of the Defendant.

11. Every witness is able to identify that Exhibit #2 is a photograph of the donation jar used at BB's.

12. Bobbie's Burgers' cook is unavailable to testify and the parties stipulate that the cook has no testimony to offer.

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

LANDRY LAMAR,
Plaintiff,

vs.

BOBBIE'S BURGERS LLC,
Defendant.

Case No. 2017-CV-12-1013
(Whistleblower's Action)

JURY INSTRUCTIONS

Note:

Jury instructions are **NOT** to be read to the jury on the day of the Mock Trial Competition.

The Court hereby approves the following preliminary jury instructions in the above captioned case. It notes the presentation of evidence at trial may warrant additional instructions, and it will consider those instructions at a later date.

A. Bifurcated Trial

The parties agree that the only issue to be decided is liability. If liability is found, the parties agree to have a separate hearing to decide damages. This means that you will decide only the liability in this trial, and you are not to consider the amount of award, if any.

B. The Jury: Finders of the Facts

Under our Constitution and Code of Laws, only you – the jury – can make the findings of fact in this case. I am not permitted to tell you how I feel about the evidence which has been presented. And, throughout this trial, I have intended to be fair and impartial toward each of the parties involved.

To determine the facts in this case, you will have to evaluate the credibility – or believability of witnesses. You are the sole judges of the credibility of the witnesses, and, in passing upon their credibility, you may take into consideration many things, such as:

(1) How would you describe the appearance and manner of the witness on the stand, sometimes referred to as the demeanor of the witness?

- (2) Was the witness forthright or hesitant?
- (3) Was the witness' testimony consistent, or did it contain discrepancies?
- (4) What was the ability of the witness to know the facts about which he or she testified?
- (5) Did the witness have a cause or a reason to be biased and prejudiced in favor of the testimony he or she gave?
- (6) Was the testimony of the witness corroborated or made stronger by other testimony and evidence, or was it made weaker or impeached by such other testimony and evidence?

You can believe as much or as little of each witness' testimony as you think proper. You may believe the testimony of a single witness against that of many witnesses – or just the opposite.

Of course, you do not determine the truth merely by counting the number of witnesses presented by each side. Throughout this process you have but one objective – to seek the truth, regardless of its source.

C. Circumstantial Evidence

There are two types of evidence generally presented during a trial – direct evidence and circumstantial evidence. Direct evidence is the testimony of a person who asserts or claims to have actual knowledge of a fact, such as an eyewitness. Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact in issue. The law makes absolutely no distinction between the weight or value to be given to either direct or circumstantial evidence. Nor is a greater degree of certainty required of circumstantial evidence than of direct evidence.

You should weigh all the evidence in the case in arriving at a verdict.

D. The Judge: Instructor of the Law

The same Constitution and laws which designate and make you the finders of the facts also make me the instructor of the law. You must accept the law as I give it to you. If I am wrong, there is another place and time for that error to be corrected. But for now, you must accept the law as I give it to you – and I caution you that it does not mean what you think the law should be, but what I tell you it is.

E. Elements of a Cause of Action

To state a cause of action against a Defendant, the law requires a Plaintiff to set out in his or her complaint the essential claims which make up that Cause of Action. In his or her complaint, the Plaintiff in this action has set forth the essential claims of each cause of action, each of which is denied by the Defendant.

F. Defenses

In the Answer to the Plaintiff's Complaint, the Defendant has set forth various defenses.

The first defense is what is called a qualified general denial. By this defense, the Defendant admits the truthfulness of certain claims – such as the time and date of the occurrence – but denies each and every claim that would make the Defendant responsible for the Plaintiff's injuries. By doing this, the Defendant is placing upon the Plaintiff the burden of proving those necessary elements, which will be discussed later.

In addition to this qualified general denial, the Defendant puts forth defenses to the particular Causes of Action. Those will be discussed with the specific Causes of Action.

G. Burden of Proof

The Plaintiff has the burden of proof on his or her cause of action. He or she must meet this burden by proving his or her claims by the preponderance – or the greater weight – of the evidence. So, what do we mean by the greater weight of the evidence? Simply this. Imagine a traditional set of scales. When the case begins, the scales are even. After all the evidence has been presented, if the scales remain even or if they tip – ever so slightly – in favor of the other side, then the proponents will have failed to meet the burden of proof, and your verdict should be for the other side.

If, on the other hand, the scales tip – no matter how slightly – in favor of the proponents, then they will have met the burden of proof, and your verdict would be for the proponents.

Of course, there is no way to weigh evidence, except through the exercise of your good common sense and judgment. It is entirely a mental process – and the evidence you should give the most weight to is that which convinces you of its truth, regardless of the source from which it comes.

H. Impartial Jury

You have been sworn to give all parties in this case a fair and impartial trial, and when you have done so, you will have complied with your oath, and no one will have a right to criticize your verdict. You must not be influenced by opinions or expressions of opinion you may have heard outside of this courtroom, but rather should base your verdict only on the testimony of the sworn witnesses who took the stand, along with the other evidence.

You must not be swayed by caprice, passion, prejudice or sympathy for or against any of the parties in this case. Remember, you have no friends to reward or enemies to punish, and all parties are entitled to a fair and impartial trial at your hands.

I. Whistleblower - Statutes

Title 8, CHAPTER 27 Employment Protection for Reports of Violations of State or Federal Law or Regulation

Haw. Code 8-27-10. Definitions

For purposes of this chapter:

- (1) “Employee” means a person working under the authority of another in exchange for wages paid on an hourly basis, commission, or salary, but does not include informal, sporadic workers such as day laborers or those working in exchange for an “allowance” or other gratuitous or semi-gratuitous manner.
- (2) “Appropriate authority” means, respectively, a management level employee of the employer or another employee whose duty is to supervise employees; or a federal, state, or local governmental body, agency, or organization having jurisdiction over criminal law enforcement, regulatory violations, professional conduct or ethics, or wrongdoing.
- (3) “Report” means:
 - (a) A written or oral allegation of waste or wrongdoing that contains the following information:
 - (i) The date of disclosure;
 - (ii) The name of the employee making the report; and
 - (iii) The nature of the wrongdoing and the date or range of dates on which the wrongdoing allegedly occurred. A report must be made within one hundred eighty days of the date the reporting employee first learns of the alleged wrongdoing; or
 - (b) Sworn testimony regarding wrongdoing, regardless of when the wrongdoing allegedly occurred, given to any standing committee, subcommittee of a standing committee, oversight committee, oversight

subcommittee, or study committee of the Senate or the House of Representatives.

- (4) “Wrongdoing” means action which violates the criminal law or which results in substantial abuse, misuse, destruction or loss of funds or resources. “Wrongdoing” also includes an allegation that another employee had intentionally violated federal or state statutory law or regulations or other political subdivision ordinances or regulations or a code of ethics, which violation is not merely technical or of a minimum nature.

Haw. Code 8-27-20. No retaliation for filing report of wrongdoing; disciplinary action for unfounded or bad faith report or mere technical violation

- (A) No employer may dismiss, suspend from employment, demote, or decrease the compensation of an Employee because the Employee files a Report with an Appropriate Authority of wrongdoing. If the Appropriate Authority determines the Employee’s report is unfounded, or amounts to a more technical violation, and is not made in good faith, the employer may take disciplinary action including termination.

Haw. Code 8-27-30. Civil action against employer for retaliation; remedies; exhaustion of remedies and other prerequisites; time in which to bring action

- (A) If an employee is dismissed, suspended from employment, demoted, or receives a decrease in compensation, within one year after having timely reported an alleged wrongdoing under this chapter, the employee may institute a civil action against the employer for (1) reinstatement to his former position; (2) lost wages; (3) actual damages not to exceed fifty thousand dollars; and (4) reasonable attorney fees as determined by the court.
- (B) An action under this chapter must be commenced within one year after the accrual of the cause of action or exhaustion of all available grievance or other administrative and judicial remedies or is forever barred.

Haw. Code 8-27-40. Dismissal, suspension, demotion or decrease in compensation for independent cause permitted

Notwithstanding the filing of a report pursuant to this chapter, an employer may dismiss, suspend, demote, or decrease the compensation of an employee for causes independent of the filing of a protected report as described in Haw. Code 8-27-20.

J. Whistleblower – Retaliation

In this case, the Plaintiff has alleged a single claim of “whistleblower” retaliation. To prevail on that claim, the Plaintiff must prove three elements by a preponderance of evidence:

- (1) The Plaintiff engaged in protected whistleblower activity by reporting wrongdoing to an appropriate authority.
- (2) The Plaintiff suffered an adverse employment action.
- (3) The Plaintiff’s adverse employment action, if any, was causally connected to the Plaintiff’s protected whistleblower activity.

To establish that the Plaintiff engaged in “protected whistleblower activity,” the Plaintiff must prove the Plaintiff reported information to the Defendant that the Plaintiff reasonably and in good faith believed was evidence of a violation of a state or federal law.

To qualify as protected activity, a Plaintiff’s report need not be accurate, *i.e.*, there need not *actually* have been a violation of law, but the report must have been made in good faith based upon the actual and reasonable belief of Plaintiff.

To establish an “adverse employment action,” the Plaintiff must prove that s/he was dismissed/terminated from employment, suspended from employment, demoted, or received a decrease in compensation.

To establish that the Plaintiff’s adverse employment action was causally connected to the Plaintiff’s protected whistleblowing activity, the Plaintiff must prove that the adverse employment action would not have occurred if the Plaintiff had not engaged in protected whistleblowing activity.

K. Verdict Form

A copy of the Verdict Form approved by the Court is attached hereto as Appendix “A.”

You will notice that the Verdict Form does not ask the jury to determine the amount of damages. This is because the liability portion of the lawsuit and the damages portion of the lawsuit have been bifurcated (separated). This jury is charged only with determining the factual question on the Verdict Form. If applicable, the extent of any damages award will be decided in another phase of this trial.

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAI'I

LANDRY LAMAR,
Plaintiff,

vs.

BOBBIE'S BURGERS LLC,
Defendant.

Case No. 2017-CV-12-1013
(Whistleblower's Action)

APPENDIX "A"
JURY VERDICT FORM

JURY TRIAL REQUESTED

We, the jury, find as follows:

1. Plaintiff Landry Lamar was terminated because s/he made a Report of Wrongdoing to an Appropriate Authority.

YES

NO

Jury Foreperson Signature

**WITNESSES
and
AFFIDAVITS**

WITNESS LISTING

PLAINTIFF	
Landry Lamar	Plaintiff / Fired Employee
Sam Jackson	Former Employee
Frankie Fields	School Newspaper Editor

DEFENSE	
Bobbie Garmon	Defendant / Employer
Sloan Spencer	Employee
Chris Hail	Tilton's Athletics Director

Affidavit of
LANDRY LAMAR

(Plaintiff / Fired Employee)

1 1. My name is Landry Lamar. I just turned 19 years old. I graduated in May
2 2016 from Glendale High School in Hilo, Hawaii. Go Generals! I am currently taking a
3 gap year to work and save money before enrolling next year at the University of East
4 Hilo (UEH) Honors College. I work at History and Archives in the filing room. I come
5 from a poor family, and I am going to be the first person in my family to go to college. I
6 have been a history nerd for most of my life as you can tell from my perfect GPA. When
7 I enroll at UEH, I will double major in history and government.

8 2. So, to start, I spent Spring 2016 applying for scholarships. Thankfully, I
9 ended up being selected for the UEH Honors College prestigious Joseph Lanier
10 Fellowship, which would cover the full cost of my tuition. But, I still was going to need to
11 pay for housing and fees. With that in mind, right after I received the news about the
12 Fellowship, I started looking for a job. After asking around Glendale High, it did not take
13 long before Hilo's very own Bobbie Garmon offered me a job. Bobbie Garmon hired me
14 in April 2016 as a cashier/server at Bobbie's Burgers, which around here we call "BB's."
15 I was ecstatic! Bobbie even offered to pay me a little extra because I said I had a food-
16 handlers license called ServSafe. In retrospect, I guess that was not technically true. I
17 used to have one for my summer job at Rubicon, which was expired. Bobbie never
18 asked to get a copy of the license when I was hired. But, hey, who was I to turn down
19 the extra cash? Plus, it was not a big deal. At the end of the day, I knew how to handle
20 food safely.

21 3. I was so grateful to Bobbie. Bobbie is a celebrity in town in more than one

22 way. Of course, BB's is a Hilo institution; the "General's Burger" is the single best
23 bacon-triple-cheeseburger with BBQ sauce you will have in the State. Plus, BB's is
24 where everybody at Glendale High hangs out after school. A few years back, Bobbie
25 even started what is now become a really fun tradition. After a major Glendale sports
26 game – win or lose – Bobbie invites both the Generals and the opposing team over to
27 BB's to hang out for burgers and milkshakes. Bobbie calls them "sportsmanship
28 summits." Bobbie also told me when I began working there that all of the proceeds from
29 the food sold at sportsmanship summits went directly to the Glendale athletics program.

30 4. Speaking of sportsmanship summits, Bobbie also is legendary around Hilo
31 because Bobbie is probably the biggest booster in the history of Glendale High's
32 athletics program. Bobbie has raised a ton of money over the years for Glendale's
33 athletics booster club, all of which has been really critical for student athletes. For
34 example, it was in no small part because of Bobbie, that we were able to get a brand
35 new soccer field. Glendale High decided to name the soccer field Garmon Green. You
36 should have seen the old field. It was in such bad shape that it was bordering on
37 unsafe. Over the years, Bobbie has also set up funds covering things like equipment
38 and sign-up fees for student athletes who cannot afford them.

39 5. It was mid-April when Bobbie and I finalized my employment, and since I
40 knew I needed to save as much money as possible, I agreed to start working
41 immediately on April 14, 2016. Bobbie gave me an employee handbook with a bunch of
42 policies on my first day, including the one marked as Exhibit #4 on the attendance
43 policy. I did not really read the policies. Anyway, the plan was that I would work a part-
44 time schedule until graduation – the night shifts on Thursdays and Fridays, and as much

45 time as I could get on Saturdays. BB's was open from 10 a.m. to 8 p.m. and was closed
46 Sundays and Mondays. After high school graduation, the plan was to switch to a full-
47 time schedule until I started college – then back to part-time. My timesheet is included in
48 the timesheets marked as Exhibit #3 to show the hours worked when I was employed at
49 BB's.

50 6. Things at BB's started off great. Sloan Spencer, who, like me, was a
51 Glendale student at the time, was also working part-time. Sloan was a cashier/server
52 and a shift manager. Since Sloan Spencer was on the lacrosse team and had regular
53 Friday-night games all throughout the spring, Sloan and Bobbie each seemed really
54 grateful that I would be around to help out Friday nights. As it turned out, Bobbie had
55 some part-time help right before I started, but Bobbie had to let that person go. When I
56 went in to sign all of my new employment paperwork, Bobbie told me that the previous
57 part-time cashier/server had been a "real troublemaker." I asked Bobbie what
58 happened, and Bobbie told me, "Oh, I will not bore you with the details, but he started
59 sticking his nose where it did not belong." I did not really know what Bobbie meant by all
60 of that, and I did not think much of it at the time.

61 7. During our interview, Bobbie also made a special point of mentioning BB's
62 "Salute the Generals" fundraising drive which, I gathered, was Bobbie's latest idea for
63 raising money for Glendale's athletics through the Glendale High School's Booster Club.
64 Basically, BB's set up a donation jar in the restaurant at the checkout counter next to
65 the register. A picture of the donation jar is marked as Exhibit #2. The money collected
66 in the jar would go to Glendale's athletics. Bobbie also agreed to match whatever BB's
67 collected in the jar. During our interview, I learned there was something in this for

68 Bobbie, too. BB's would get some pretty terrific publicity for the fundraising, sales were
69 expected to go up, and a huge tax write off. Bobbie showed me a big ad that was taken
70 out in the Hilo Daily News, which is marked as Exhibit #1. Bobbie pointed at the ad and
71 said, "Listen, kid, there is always a business opportunity in everything."

72 8. Part of my job involved closing up BB's at the end of the night. Closing
73 took about 10 to 30 minutes, depending on how many people were working. Closing
74 entailed gathering up the donation jar, putting that money in a separate cash box
75 labeled "Glendale Athletics," and leaving the donation box in Bobbie's bottom desk
76 drawer. When Sloan and I each were working the night shift, we would split the tips, and
77 then I would mop the floors while Sloan counted down the money and put away the
78 donations. On the nights I closed without a shift manager, I would leave the cash
79 register till in the register and lock the register up. Then I would dump the money from
80 the "Salute the Generals" donation jar into the donation box and put the box in Bobbie's
81 bottom desk drawer just like if a shift manager had been present. Bobbie told me just to
82 put the donation money in the donation box and not count it. I do not know what Bobbie
83 did with the money in the "Glendale Athletics" donation box, but the donation box was
84 always empty when I grabbed it and filled it up with each night's donations when I
85 worked. It seemed like the "Salute the Generals" donation jar was a huge success,
86 because it was always full at the end of the night. From the time I started working at
87 BB's, it seemed like Bobbie could not stop talking to the customers about the donation
88 jar.

89 9. Thursday, May 5, 2016, is a day I will not forget anytime soon. I was
90 working at BB's that night, and, it was packed due to an impromptu pep rally. Bobbie

91 was talking to the customers before leaving to check on the A/C at Garmon's – one of
92 Bobbie's other restaurants. Bobbie was talking mainly about the Glendale lacrosse
93 game that was happening the next night. The game was against Tilton High School –
94 Glendale's big rival. And, of course, Bobbie was promoting support of Glendale's
95 athletics program. Sloan was working that Thursday night too, and we were both
96 completely slammed. By the end of the night, I think we were both ready to get out of
97 there as soon as we possibly could.

98 10. Sloan was taking care of closing up, which left me to mop the floors and
99 straighten up. I then headed back to Bobbie's office to see if Sloan was done yet. I saw
100 Sloan standing behind Bobbie's desk with the cash register till and the "Salute the
101 Generals" jar. I saw Sloan take some money out of the "Salute the Generals" jar. Then I
102 saw Sloan put some of that donation money in the cash register till and some money in
103 Sloan's pocket. I could not believe it! Immediately, I demanded to know what Sloan was
104 doing, and Sloan said something about just "making change" and then rushed out of the
105 office. The ad in Hilo Daily News made it pretty clear that Bobbie would match all
106 donations. So, if Bobbie's patrons saw what I saw, they would be furious. I mean, this
107 looked like fraud and theft to me!

108 11. I knew I had to tell Bobbie what I had seen Sloan doing. So, on Friday,
109 May 6th, right before I clocked in, I knocked on Bobbie's door and explained everything
110 from the night before. I was shocked by Bobbie's response. Rather than thank me,
111 Bobbie became really mad! "Dang it!" Bobbie yelled, "What did I tell you about keeping
112 your nose out of places it doesn't belong?" I tried to protest, but Bobbie cut me off and
113 said, "Look, sometimes, we just use the money in the donation jar to make change,

114 okay? Nobody has to know, so just drop it.” I was speechless. It sure did not look like
115 Sloan was making change to me. Bobbie asked me whether I was going to say anything
116 to anyone at Glendale High. I was in such shock that I just shrugged my shoulders.
117 Bobbie said, “Okay, whatever. You have made enough trouble for today.” Bobbie then
118 hurried out of the office to greet customers who were coming into BB’s.

119 12. At that point, I thought the whole thing was over, but was I ever wrong!
120 That night, some of my friends and I had planned on going out to a movie at this
121 awesome, old-timey drive-in movie theater across town – The Big Mo. The movie
122 started at 8:10 p.m. BB’s technically closes at 8:00 p.m., unless the restaurant stays
123 open for one of Bobbie’s sportsmanship summits. I checked the events calendar and
124 although there was a lacrosse game listed on the schedule, Bobbie did not include the
125 Generals having a sportsmanship summit that night. I know Tilton is our rival school, so
126 I thought it was strange to close at regular time on Friday, but that was fortunate for me.
127 My shift at BB’s usually ended around 8:30 p.m., so I was planning on meeting my
128 friends at the drive-in and catching as much of the movie as I could. I was really looking
129 forward to relaxing a bit after a pretty stressful start to my shift. By about 7 p.m., BB’s
130 was dead. There was not a soul in the place other than one of the cooks, me, and my
131 friend Frankie, who had dropped by for some homework help. After all, there was no
132 sportsmanship summit on the events calendar. Bobbie now claims the weekly events
133 calendars are thrown away at the end of the week. Of course there is a sample of the
134 weekly events calendar marked as Exhibit #5, but that is not the week I am referring to.
135 Just as well, Bobbie probably would have added the sportsmanship summit after the
136 fact anyway, just to make me look bad. I pay attention to things and read the important

137 stuff. If the sportsmanship summit had been on the calendar, I never would have left
138 early that night.

139 13. The cook suggested that we close up early that night. And since there was
140 no sportsmanship summit on the events calendar, I agreed. Sam and I had done the
141 same thing the Friday night before. That night, right as we were closing up early, Bobbie
142 dropped by to grab something from the office and said as we were walking out, "Have
143 fun." You can see we left early that day by the entry on my timesheet marked as part of
144 Exhibit #3. So, on Friday, May 6th, we wrapped things up, and I was out of there by
145 7:30 p.m. I did not know that both lacrosse teams would be stopping by after the game!

146 14. Bobbie called me the next morning and was really mad. After yelling at
147 me, Bobbie said that my employment was terminated! Bobbie said, "Listen, kid, I told
148 you, I do not like troublemakers, and you have just made a whole lot of trouble for me. I
149 had two lacrosse teams waiting at the door Friday night and they could not get in." I
150 knew the real reason why I was being fired was because I had let Bobbie know about
151 the business with Sloan and the donation money and not because I closed BB's early.

152 15. Because I was fired, I was not able to save enough money to go to UEH
153 Honors College starting August 2016. I tried to find another job, but by that point, all of
154 the good summer jobs were gone. It took me months to find another job. I ended up
155 deferring college with the idea that I would spend another year working and saving, but
156 it has been really rough. Now I have missed going to college for yet another year due to
157 all of the stress with preparing for this trial. I hope to start January 2018 and have all of
158 this behind me. If only I could have kept that job, I would be studying history and
159 government at UEH right now.

[Landry Lamar's Witness Addendum is on the following page.]

WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time.
The material facts are true and correct.

Signed,

Landry Lamar

Landry Lamar

SIGNED AND SWORN to me

Anthony Roberts

Anthony Roberts, Notary Public

State of Hawaii

My Commission Expires: 10/24/19

Affidavit of
SAM JACKSON

(Former Employee)

1 1. My name is Sam Jackson, but most people call me “Crush.” I am 24
2 years old, and I live in Hilo, Hawaii. I attended the University of East Hilo (UEH) on an
3 athletics scholarship. I started out playing basketball, but I eventually decided I was
4 looking for something different. During my sophomore year in college, I switched to
5 table tennis, which is where I got my nickname. I am known for absolutely crushing
6 table tennis balls during my matches! I graduated from college in 2016, and I nailed my
7 dream job doing marketing at a tech startup here in Hilo called “Blockers, Inc.,” which is
8 a social media website made just for table tennis players and our fans. We are not quite
9 profitable yet. As it turns out, there are slightly fewer die-hard table tennis fans out there
10 than I thought, but I have high hopes. As I have been saying for years, table tennis is
11 the next big thing in sports!

12 2. I like to tell people that I was only able to excel at table tennis because of
13 the great sports background I had in high school. I am a proud graduate of the Glendale
14 High, class of 2012. I have worked and attended several of Bobbie Garmon’s
15 fundraising drives for Glendale’s athletics program over the years, so I have come to
16 know Bobbie fairly well. I started working for Bobbie my junior year in high school.
17 Bobbie can exaggerate sometimes, but seems like a pretty honest person. One time, for
18 example, I was working the counter at a fundraising barbecue, “Table Tennis Tourney
19 BBQ Fundraiser” at “BB’s,” which is short for Bobbie’s Burgers. This was on April 19th,
20 which is written on the weekly events calendar marked as Exhibit #5. My hours worked
21 that day are reflected on my timesheet included with the timesheets marked as Exhibit

22 #3. It was at that fundraiser when I noticed that we were short about \$100 based on the
23 number of BBQ plates we sold. When I told Bobbie about it, I was told that Bobbie had
24 given some free plates to the family members of Glendale athletes who had fallen on
25 hard times. Bobbie said I should not worry myself too much about the accounting. Like a
26 lot of Glendale High students, I worked at BB's while in high school and college. In fact,
27 I kept working at BB's until just the end of April 2016, when I landed my new job.

28 3. Bobbie is one of the biggest Glendale sports fans you will ever meet.
29 Bobbie goes to all of the games, knows most of the athletes by name, and is a past
30 president of the official Glendale Athletics Booster Club. You should see Bobbie's ads in
31 the Hilo Daily News; a copy of an ad from April 2016 is marked as Exhibit #1. In fact,
32 Bobbie might sometimes take Glendale sports a little too seriously. One time when I
33 was in high school, I remember Bobbie telling me that I was going to have to cancel a
34 vacation with my family because of a "sportsmanship summit" coming up and I was
35 scheduled to work that night. "This stuff is really important," I remember Bobbie saying,
36 "With the amount of money we are going to raise, we need all hands on deck. You
37 should know, Sam, this is important stuff." Bobbie was referring to some financial
38 support that I received in high school from one of Bobbie's fundraisers, which helped
39 me cover the cost of sports equipment and the registration fee for the season.
40 Ultimately, I was allowed to go on the family vacation after I found someone to cover my
41 shift.

42 4. I knew Landry Lamar first through my little sister Cassie. Cassie and
43 Landry are friends and both went to Glendale High. I guess you could say Landry and I
44 are acquaintances really. I would say "hi" when Landry would come by the house, but

45 we did not hang out or anything. Landry would help Cassie with AP Government, which
46 she liked, and Geometry, which she hated. Landry was really good at both and helped
47 Cassie a lot. I had the impression that money was tight in the Lamar family because
48 Landry seemed to have a lot of other family responsibilities. When Landry started
49 working at BB's, our paths crossed from time to time. The job really seemed important
50 to Landry.

51 5. Like most everybody else in Hilo, I also know Sloan Spencer. Sloan was a
52 Glendale Generals sports phenom from the time Sloan was a freshman, so basically
53 everybody knows Sloan. Sloan is a star on the basketball, track, and lacrosse teams.
54 When Sloan started working at BB's, it was obvious from the get-go how excited Bobbie
55 was to have the Glendale's "Golden Child" as an employee. I remember Sloan moving
56 up the employee pecking order pretty quickly, even though some other employees,
57 myself included, had worked there longer. Bobbie once told me that having Sloan there
58 was "really good for business." Bobbie was pretty understanding as far as bosses go,
59 probably because so many students work there. Bobbie always tried to accommodate
60 our school schedules, especially if we had sports, exams, or something else within
61 reason.

62 6. I know Sloan was really busy during the school year given school, sports,
63 and working. Sloan was basically the star of the entire athletics department. Because of
64 weekend games; Fridays and Saturdays were especially tough to work. A lot of times, I
65 would see Sloan's name on BB's schedule for a Friday or a Saturday, but Sloan would
66 never show up. I do not know why, though. On top of that, when two-a-day practices
67 started in the summer, getting to work on time to open up BB's sometimes seemed like

68 it was impossible for Sloan.

69 7. I was kind of surprised when I learned that Sloan was promoted to shift
70 manager. BB's is closed on Sundays and Mondays, so it is important to not miss a shift
71 on the days scheduled to work. The shift manager at BB's is supposed to be the one
72 who either opens in the morning or closes at night, depending on what shift they are
73 working. When I was in high school, I tried to avoid getting scheduled for the closing
74 shifts because they usually conflicted with sports. Sports at Glendale tend to be
75 people's first priority and, no matter how good you are, you might get benched if you do
76 not arrive on time. I spent enough time at BB's to know how long it can take to set up
77 and shut down the place, so I do not get how Sloan made the schedule work. Bobbie
78 says set up and clean up only takes 15 minutes, but even with everyone working, it
79 usually takes more like 25 minutes. Bobbie's attendance policy, marked as Exhibit #4 is
80 a joke. Bobbie sure didn't hold Sloan to the same standard.

81 8. After Sloan was made shift manager, there were a couple of occasions
82 where I would show up to help Sloan open, but the doors were locked because Sloan
83 was not there yet. BB's hours are from 10:00 a.m. to 8:00 p.m., unless there was a
84 special event. BB's seemed to have a special event or sportsmanship summit every
85 time there was a sporting event, like on Thursday, April 21st when there was a home
86 soccer game as indicated on the weekly events calendar marked as Exhibit #5. I
87 assumed it was probably just taking Sloan a little extra time to get to work from practice,
88 but it ended up that Sloan was an hour and a half late for work. It was not a big deal at
89 all, since I had things covered and had keys to the place. I told Bobbie about it, but it
90 never came up again. I do not think Sloan ever got in trouble. Bobbie always knew how

91 much we worked anyway because of our timesheets. All employees have to clock in
92 and out. My timesheet is included in the timesheets marked as Exhibit #3. Whenever we
93 had sportsmanship summits, Sloan was there – front and center. It was often because
94 Sloan had just played in the game, but sometimes Sloan worked during sportsmanship
95 summits, too.

96 9. At the end of the night, the shift manager and the cashiers/servers would
97 close up and split the tips. The shift manager would count down the cash register till
98 leaving \$100 in small bills and coins and put the cash register till back in the register
99 and lock it. The shift manager would then take the remaining cash from the cash
100 register till, place it in an envelope, and drop the envelope into the slot in the top of the
101 safe. There was always a lot of cash since BB's was cash only. The "Salute the
102 Generals" jar would get dumped into the "Glendale Athletics" donation box and it was
103 placed into Bobbie's bottom desk drawer. The empty jar would go back on the counter
104 up front next to the register. In rare cases when there was not a shift manager closing,
105 we would simply lock the cash register drawer and leave it for Bobbie the next day.
106 Although I offered several times, Bobbie said not to count the money from the "Salute
107 the Generals" donation jar. We were not supposed to touch that money – I guess
108 because I was never a shift manager. Sometimes, when the one dollar and five dollar
109 bills in the cash register were low, we would make change from the "Salute the
110 Generals" jar located on the checkout counter, but that was it. The donation jar next to
111 the register is pictured in the exhibit marked as Exhibit #2. The donation jar was
112 Bobbie's latest fundraising effort where Bobbie would match every dollar donated and
113 all of the money would go to Glendale athletics.

114 10. I also remember one Wednesday night leading up to one of the big
115 games. I could tell Sloan was stressing out about meeting up with teammates later. The
116 restaurant was pretty dead that evening and at one point Sloan suggested we close up
117 early. I was a little hesitant about that, because we tended to get decent business
118 toward the end of the night. I asked Sloan whether Bobbie would be okay with us
119 closing up, and Sloan said, "Sure, when has Bobbie ever cared before?" Anyway, Sloan
120 and I closed up and clocked out. It did not seem like a big deal, which is why I was
121 really surprised when Landry told me Bobbie yelled at Sloan when s/he found out about
122 us closing early. Landry said s/he witnessed the whole discussion, heard Bobbie say
123 something to Sloan like, "Look, Sloan, I know you are a star, but you have to stick to
124 your schedule." As far as I knew, that was the end of it. I do not think our leaving early
125 really hurt the business. I thought it was strange that Bobbie never yelled at me for
126 closing early, but then again, Sloan was the shift manager.

127 11. I was even more surprised when I heard about Landry getting fired for
128 leaving early one night, or at least that was what Bobbie said. I mean, it is not like BB's
129 had to go out of business because it was closed early. I was no longer working for BB's
130 when Landry was fired, but come on, how bad a mistake could Landry have made? It
131 sounded like there probably was something else going on there, although I did not know
132 what it was.

133 12. Landry later told me the firing was because s/he saw Sloan taking money
134 from the "Salute the Generals" jar. I can see how that could happen pretty easily – the
135 jar was one of those big cheap, wide-mouthed jars you can get anywhere. Probably not
136 the best choice, but Bobbie was always kind of cheap that way. Anyway, it was pretty

137 easy to unscrew the top, get your hand in and grab a bunch of money. I did it one day
138 when I wanted to donate, but all I had was a five dollar bill. I dropped in the five and
139 pulled out four ones for my change. And, I can understand how Landry could walk into
140 the office and Sloan not hear Landry come in the office until it was too late. The air
141 vents in the back were pretty loud.

142 13. After Landry filed this lawsuit, I saw Sloan one day and asked him/her
143 about Landry being fired. Sloan told me I had better mind my own business if I knew
144 what was good for me. Sloan can be a hothead – I have seen him/her throw punches in
145 a couple of lacrosse games, usually when the refs were looking the other way – so I just
146 backed off and never mentioned it again.

WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time.
The material facts are true and correct.

Signed,

Sam Jackson

Sam Jackson

SIGNED AND SWORN to me

William Smith

William Smith, Notary Public
State of Hawaii

My Commission Expires: 12/08/22

Affidavit of
FRANKIE FIELDS

(School Newspaper Editor)

1 1. My name is Frankie Fields. I am 18 years old, and I am a senior at
2 Glendale High School here in Hilo. I guess I am an okay student. My real passion is
3 journalism. Eventually, I want to be a famous journalist, because there is nothing I love
4 more than getting a juicy scoop! Remember the story about Glendale High's secret
5 athletics coaches' fund? That was me! I knew it months before it was made public or at
6 least until I made it public knowledge. Given my long line of hard-hitting investigative
7 journalism, I was chosen this year to be the Glendale High General's Editor-in-Chief.
8 That is our school newspaper. It is a huge honor!

9 2. Landry Lamar and I have been friends since we were little kids. I would
10 say that few people know Landry as well as I do. When Landry was a senior and I was a
11 junior, Landry and I hung out after school pretty much every day. Landry is also the
12 smartest kid I know, and sometimes helped me with my homework. We have not been
13 able to hang out as much this past year because Landry has been working a lot, and I
14 have been busy with the school newspaper.

15 3. Landry was planning to go to University of East Hilo (UEH) Honors
16 College. It has been Landry's dream to get into the honors program, which is so hard to
17 get into. I am really proud of Landry for getting admitted. Even with a full scholarship, I
18 know Landry was freaked out about paying for additional college and living expenses.
19 No one else from Landry's family has gone to college, and they do not have much
20 money. Right after Landry was admitted, Landry was offered a job at Bobbie's Burgers
21 – or "BB's" – to help save for college expenses.

22 4. It was really cool that Landry was working at BB's. Everyone loves it there!
23 It is basically the go-to after-school hangout for everybody who is anybody at Glendale
24 High. When Landry started, Landry worked Thursdays, Fridays, and Saturdays. I know
25 because I would often hang out with Landry at BB's. It can be crazy busy those nights,
26 unless there is a Glendale High game. Of course, I had been there many times before
27 Landry was ever hired at BB's. On game days, everyone in town is at the game and
28 BB's is dead. Those nights were tough on Landry because there were no customers
29 and nothing to do. Landry said that Bobbie sometimes lets employees close up early on
30 game days when there was not one of those "sportsmanship summit" things scheduled.
31 I was there once when Bobbie gave Landry the all-clear to wrap things up. The
32 summits, by the way, usually happen when games end a little early and both teams go
33 to BB's for burgers and milkshakes after the game. When there is a summit, it is really
34 busy. It can be hard to predict when the sportsmanship summits happen, since they are
35 not always on BB's calendar, according to Landry.

36 5. In May 2016, I was hanging out with Landry one Friday night at BB's. It
37 was Friday, May 6th – the day before my mom's birthday. Anyway, I was trying to get
38 Landry's help with a few math homework problems I was having a hard time with before
39 going out that night. Landry and I wanted to meet some friends at the old drive-in movie
40 theater across town, The Big Mo, later that night and catch most of the movie after
41 Landry closed.

42 6. It was a fairly typical Friday night at BB's. There was a steady stream of
43 customers early on, but it was not really busy. Landry was able to help me finish the last
44 few problems of my math assignment when Landry was not helping customers. I could

45 tell something was bothering Landry. Landry seemed a bit “off.” I asked Landry what
46 was up, and Landry dropped a bombshell. Landry told me that, the night before, Landry
47 had seen Sloan Spencer stealing from BB’s “Salute the Generals” donation jar. A
48 picture of the jar is marked in Exhibit #2, and it was located at the checkout counter
49 near the register. Glendale athletics received a lot of donations from the jar, because
50 Bobbie matched the donations according to the ad marked as Exhibit #1. Anyway, back
51 to my shock! Stealing from the jar triggered my attention really quick. I am not all that
52 into sports, but as the Editor-in-Chief of the Glendale High Generals, I know that
53 fundraising for the Glendale athletics program is pretty sacred among Glendale athletes.
54 Bobbie’s reputation could rise or fall on Glendale athletics. And Sloan – Glendale’s
55 poster-child – I could not believe what I was hearing! It seemed like an amazing scoop,
56 but I knew I had to get both sides of the story before reporting this news.

57 7. Well, I decided to wait a bit and do some investigating. I could tell what
58 Landry had seen was really weighing on him/her. Landry is a really honest person.
59 Landry is the type who is bothered when other people cheat or steal. Years ago, Landry
60 caused quite a stir at Glendale Middle when Landry told on this popular kid after hearing
61 that person talk about cheating on a social studies test. Well anyway, after asking
62 Landry a few more questions about the night before, I learned Landry had gone to
63 Bobbie earlier that day. Landry had told Bobbie about Sloan taking the money, but
64 Bobbie did not seem to care. What? Bobbie not care! Landry seemed really upset about
65 the brush off when Landry was complaining to me about what happened.

66 8. I eventually opted to skip out of the movie that night, because I was not
67 quite done with my other homework and wanted to finish it before heading into mom’s

68 birthday weekend. At around 7:15 to 7:20 p.m. Landry started closing up the place. I
69 reminded Landry that there was a big lacrosse game that night – we had done a piece
70 about the game in the student newspaper – and asked whether there would be a
71 sportsmanship summit afterwards. Landry shrugged and pointed me to the BB’s weekly
72 events calendar, which hung on the wall next to the front door. The events calendar
73 looked like the one marked as Exhibit #5, but of course it was a different week. The
74 calendar Landry referenced to that night on the wall did not have a sportsmanship
75 summit marked on it for Friday, May 6th. It had the game scheduled, but no summit! It
76 looked like something had been erased from Friday’s box. I thought that was a little
77 strange, because I remembered Bobbie mentioning something about a sportsmanship
78 summit to customers earlier that night. I did not think to mention what Bobbie said to
79 Landry. Landry had been nearby at the time and I assumed Landry heard Bobbie talking
80 about it too. After Landry and the cook closed up BB’s and left, I was in my car for a few
81 minutes checking messages and replying to texts. Plus, the “investigative journalist” in
82 me was curious to see if there actually would be a sportsmanship summit before
83 heading home.

84 9. Sure enough, about 15 minutes after Landry left, cars started pouring in
85 BB’s parking lot. I saw Bobbie’s green Camaro – green for the Glendale Generals of
86 course – at the head of the pack. When Bobbie stepped out of the car, Bobbie was
87 visibly mad slamming the car door. Bobbie recognized me and yelled, “Hey, what is
88 going on?” I told Bobbie that I was the only customer there earlier and that Landry had
89 closed up and gone to the movies. “Well, that does it,” Bobbie snarled, “I do not have
90 my keys for the restaurant on me, so I guess there is not going to be a sportsmanship

91 summit tonight. Glendale athletics is going to miss out because of our resident
92 troublemaker.” Then my journalist’s instincts took over. “Hey Bobbie,” I asked, “care to
93 comment on the allegation that Sloan Spencer has been stealing from the “Salute the
94 Generals” donation jar?” When Bobbie heard me, Bobbie spun around and demanded
95 to know where I heard that information. I quickly said I could not reveal my source.”
96 Bobbie heard my response and stormed off.

97 10. When I was at BB’s celebrating my mom’s birthday that Saturday, I heard
98 Bobbie talking to one of the regular customers about firing an employee recently who
99 did not follow the rules. Bobbie was telling this customer about how the employee had
100 closed early the night before, so a whole bunch of money was lost since there was no
101 sportsmanship summit. I knew immediately Bobbie had to be talking about Landry. On
102 the following Monday morning, it was all over the school that Landry had been fired.

WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time.
The material facts are true and correct.

Signed,

Frankie Fields

Frankie Fields

SIGNED AND SWORN to me

C.H. Gallant

C.H. Gallant, Notary Public
State of Hawaii

My Commission Expires: 12/5/24

Affidavit of

BOBBIE GARMON

(Defendant / Employer)

1 1. Howzit all! My name – well, you already know my name, of course! I am
2 Bobbie Garmon. I am 58 years old, and I am the proud owner of Garmon’s Farm to
3 Table Restaurants and Bobbie’s Burgers (“BB’s” for short), both of which have their
4 headquarters right here in Hilo. If you have not seen my face in my commercials during
5 the six o’ clock news, well, you have probably been living under a rock. I mean, by now,
6 everybody knows about Garmon’s and BB’s.

7 2. Anyway, let me tell you a little bit about how ol’ Bobbie came to be. I grew
8 up right here in Hilo and went to Glendale High School, where I lettered in two sports –
9 track and basketball. Ever since I was in high school, I have been obsessed with all
10 things related to Glendale sports – that, the color green for Glendale Generals, and food
11 I guess. And of course, I am a proud parent of my twins, Jordan and Jamie, who both
12 attend Glendale High School and are active in sports. You’ve probably seen me around
13 town in my green Camaro. I went to Clemson University on a sports scholarship and
14 majored in business. If there is one thing ol’ Bobbie does better than sports, it’s cooking.
15 I soon realized I could have it all by owning my own restaurants and sharing my favorite
16 food with the town. See, for about as long as I can remember, I have had a knack for
17 butterin’ people up and getting them to eat what I am selling. My grandma used to tell
18 me, “Bobbie, you would sell water to a whale if you needed to!” I have never tried, but I
19 bet I could. Sure, sometimes I exaggerate a little bit, but that is the mark of a good
20 salesperson, right?

21 3. Anyway, my sales skills have served me well. As soon as I graduated from

22 college, I scraped together what little money I had and bought an old rundown
23 restaurant on Hatfield Street. It was not pretty – good gravy, I think there were even a
24 few original diner booths in the place when I first bought it. But, with some elbow grease
25 and hard work, I turned it around. My family had to get in on the action, and we opened
26 a few more Garmon’s together – me with the largest share of course. Fast forward a
27 couple decades and Garmon’s Farm to Table is the hottest, fine dining restaurant in the
28 whole state. The concept of farm to table is pure genius I tell you. I am so good at it – it
29 is like I invented it. The entire operation is built on my reputation for trust, honesty, and
30 integrity; people like to know that they are dealing with someone who is as straight up
31 as a jackrabbit’s ears, and that is what I aim to give ‘em.

32 4. Once I opened Garmon’s fourth location with my brother Jerry, I realized
33 something was missing. Sure bringing great food and dining to the community is
34 exciting, but sometimes it lacks that certain sort of excitement I loved when I was playin’
35 sports for Glendale. That is why I decided to start Bobbie’s Burgers. See, I realized that
36 after our Glendale sports games – football, basketball, lacrosse, softball, baseball,
37 soccer, volleyball, you name it – people just sort of dispersed. Well what better way to
38 keep our school spirit alive than to relive the glory of a win over milkshakes and burgers
39 after the game? I also saw it as a fundraising opportunity. Before I started fundraising
40 for Glendale, they hadn’t purchased any new equipment since before I was a student.
41 They were long overdue. My crowning achievement was getting them “Garmon Green,”
42 of course – the best soccer field in the country. Most people say that I am the biggest
43 supporter of the Glendale Athletics Booster Club there is. The more people I get into
44 BB’s after the games, the more school spirit we all have, and the more money I can

45 donate to the Glendale athletics booster program! So, I let my brother take the lead over
46 running Garmon's and I bought the building for BB's back in 1996, and it has been a
47 landmark ever since. Now don't get me wrong – I still own Garmon's too!

48 5. Come on by sometime for a BB's General's Burger! Now of course, we are
49 closed on Sundays and Mondays, so don't come then. Speaking of days and times, I
50 have a policy about attendance based on the customer experience, which is marked as
51 Exhibit #4. I try to get my employees excited about working at BB's, so that excitement
52 carries over to the customers.

53 6. Landry Lamar? Yeah, of course, I remember Landry Lamar. That's why
54 we are here. A teacher friend of mine at Glendale High recommended Landry to me.
55 Good kid, at the start. I was really sorry to have to let Landry go, but Landry broke my
56 trust and made it impossible for us to continue. Hiring Landry seemed like a pretty good
57 idea at the time, because I had recently fired one of my part-time employees just before
58 hearing about Landry.

59 7. I know Landry has alleged Sloan gets preferential treatment, but it is not
60 preferential treatment. Sloan has given more in time and effort at BB's than most
61 anyone else I have ever had. Sloan is committed to providing that great customer
62 experience that BB's is known for. That sort of dedication deserves flexibility as a thank
63 you. I can't always pay people what they are truly worth, so being an understanding
64 boss goes a long way to keeping people happy. Sloan was sometimes slack about
65 clocking in and out on the timesheet. Copies of some of the timesheets are marked as
66 Exhibit #3. I know some days when Sloan was not able to show up for work – there
67 was no time on those timesheets. Landry made accusations based on being with BB's

68 for less than a month. How can anyone have a clue how things work after being there
69 less than a month?

70 8. My latest business idea at the time was the “Salute the Generals” donation
71 jar, as pictured in the exhibit marked as Exhibit #2. See here, a little light went on in my
72 head: why don’t I use BB’s good name to raise even more money for Glendale sports
73 since that restaurant is the sports hangout? Heck, I give a lot of money to the Glendale
74 athletics program already, so why not make a dollar-for-dollar match and get more
75 money for Glendale athletics. I put a donation jar at the register on the checkout counter
76 and for every dollar in the donation jar, I’d match a dollar. Everybody wins and BB’s get
77 a little free publicity in the process. It wasn’t the business angle that drove me to do it
78 but, hey, the Garmons have never been ones to look a gift horse in the mouth. That in
79 mind, I made up a little ad and put it in the Hilo Daily News, which is marked as Exhibit
80 #1. The ad had an immediate effect. The day after it ran, BB’s was packed and just
81 about everybody there was asking about our Glendale Booster Club program and
82 putting money in the “Salute the Generals” jar. It seemed like the whole thing was going
83 to be a smashing success, particularly from a monetary perspective – sales increased,
84 money was matched in the jar, and the school benefited too! The cash was rollin’ in like
85 crazy, especially since BB’s was cash only. The “Salute the Generals” donation jar
86 fundraiser in addition to the sportsmanship summits meant a lot of money for the
87 Glendale Athletics Booster Club. The sportsmanship summits is when I have teams
88 and fans over to BB’s after a big sports event for burgers and milkshakes. I tell
89 everyone the proceeds from the sportsmanship summits go directly to Glendale
90 athletics. Of course, proceeds from the summits are figured out at the end of each

91 month when I deduct all of my expenses – payroll for that time frame, taxes, food costs,
92 etc.

93 9. Landry seemed like a good kid, and things were going fine until Friday,
94 May 6, 2016. That afternoon, right as Landry’s shift began, Landry came into my office
95 when I happened to be on the phone. Landry seemed upset about something, so I told
96 Morgan that I’d call her back. As soon as I ended the call, Landry launched into a long
97 speech about how Landry saw Sloan stealing money from the “Salute the Generals”
98 donation jar the night before and how I should fire Sloan immediately. I remember
99 Landry specifically telling me that Landry saw Sloan with a fist full of money from the jar
100 the night before. I didn’t close that night because I had left early that night to check on
101 the A/C at Garmon’s. I was fine leaving since Sloan was the shift manager. Anyway, I
102 could tell that Landry was way off base with this accusation. See, sometimes I switch
103 out the smaller bills that people stuff in the donation jar for the bigger bills that people
104 give us at the cash register, so we have enough of the smaller bills in the cash register
105 till to make change for people. Plus, when people see bigger bills in the jar, it might
106 encourage them to donate larger amounts. Nobody’s stealing anything. What’s more,
107 Landry knew that. I explained the whole system to Landry on the first day, but s/he must
108 have forgotten.

109 10. I told Landry that I highly doubted Sloan was stealing anything from the
110 donation jar, but that I’d look into it. Being thorough, that’s exactly what I did. I walked
111 out of the office and asked Sloan point-blank what happened. And, Sloan confirmed that
112 Sloan was changing out the bigger bills for the smaller ones. I figured as much and that
113 was the end of it. I certainly never called Landry or anyone else a “troublemaker.”

114 11. On the afternoon of Friday, May 6, 2016, Sloan and I each left a little after
115 four, because the Generals had a big lacrosse game against Tilton, our cross-town rival.
116 Everyone knew that this was a very important game leading into the playoffs. It turned
117 out to be a real nail-biter, but in the end we won! As usual, I invited the Tilton kids and
118 our Generals back to BB's for what I like to call a little "sportsmanship summit," where
119 we all relax over burgers and milkshakes. We left the stadium around 7:30 p.m., and I
120 assumed Landry would be there waiting for us. Landry's shift was scheduled to end
121 around 9:30 p.m. instead of the usual 8:30 p.m. since we had the sportsmanship
122 summit after the lacrosse game. All employees are to check the weekly events
123 calendar, which is hanging on the wall next to the front door. The calendar is where I
124 note when sportsmanship summits are likely to happen, so that we order enough
125 supplies and are well stocked. An example of the weekly events calendar is marked as
126 Exhibit #5. I write the events in pencil in case things change. At the end of the week,
127 the calendars are thrown away, so I no longer have the calendar with the Friday, May 6,
128 2016 entry. I am pretty sure I marked Friday, May 6th for a sportsmanship summit, but
129 in any event Landry knew there was a big game that day and we would probably be
130 staying open late. The big game was all anybody had been talking about at BB's for the
131 entire week. The week before the game, I remember specifically asking Landry if Landry
132 wanted to go to the game on Friday night because, if so, I was prepared to find a way to
133 give Landry the night off. Landry said no, and that s/he needed the money.

134 12. Anyway, when we arrived at BB's on Friday night after the game, the
135 place was closed up and dead, except for all the cars filled with customers that were
136 pulling into the parking lot. The doors were locked, the lights were off, and Landry was

137 nowhere to be found at 7:45 p.m.! I didn't have my keys with me. I didn't bring them on
138 the assumption that I wouldn't need them. I was furious! I decided in that moment that I
139 had enough of Landry. Based on past sportsmanship summits we'd had, I guessed that
140 Landry cost the Glendale athletics program a thousand dollars that night between the
141 proceeds from the sportsmanship summit and the expected donations in the "Salute the
142 Generals" jar. I suppose I didn't mind not having to pony up the extra thousand dollars
143 or more to match the donations, so in a way, Landry did me a favor. But still, the whole
144 incident really damaged my reputation with the Tilton folks.

145 13. I called the next morning and fired Landry for closing early against policy.
146 Landry seemed to take it pretty well, all things considered. All Landry said was, "Okay, I
147 guess I understand," and then ended the call. Landry didn't even offer up any sort of
148 explanation, other than saying something about how Landry wanted to go to a movie
149 and didn't think it was a big deal! Not a big deal? What was this kid thinking?

150 14. I gather Landry is now saying that the firing took place because Landry
151 complained about Sloan? Nothing could be further from the truth. In all of my
152 businesses, trust is the most important thing in the world to me. If I can't trust an
153 employee to show up, do a good job, and serve our customers and the community in a
154 way that properly reflects BB's or Garmon's good reputation, then that employee can't
155 work for me, period. Landry violated that trust, and I thought that was the end of it. I'm
156 sorry if getting fired ruined Landry's plans, but there were a lot of people depending on
157 Landry, and Landry let them down – most of all me. I hope Landry learned from that
158 mistake.

159 15. A few weeks after Landry was fired, I decided to declare the "Salute the

160 Generals” fundraiser a success and ended it. I was able to make a huge donation to
161 Glendale High School based on the success of the “Salute the Generals” donation jar
162 program. I have hosted several more fundraisers for Glendale athletics since then.

WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time.
The material facts are true and correct.

Signed,

Bobbie Garmon

Bobbie Garmon

SIGNED AND SWORN to me

Michala Watson

Michala Watson, Notary Public
State of Hawaii
My Commission Expires: 4/3/20

Affidavit of
SLOAN SPENCER

(Employee)

1 1. My name is Sloan Spencer. I am 18 years old. I am a senior at Glendale
2 High School here in Hilo, Hawaii. I love sports, and I play on three different teams –
3 track, basketball, and lacrosse. Last year, I was on the track and basketball teams that
4 went to the state finals. This year, I am hoping our lacrosse team will qualify too. I like to
5 think of myself as having Serena Williams’ power, Katie Ledecky’s endurance, Paul
6 Rabil’s quickness, and Usain Bolt’s speed. I mean, I don’t brag, but I am a pretty good
7 athlete.

8 2. Everybody needs some spending money here and there. So, I have been
9 working for about two years at Bobbie’s Burgers, which everyone around here calls
10 “BB’s.” I love working there. I have known Bobbie Garmon, who owns BB’s, for even
11 longer than that. Bobbie is actually kind of like a parent to me. Bobbie’s twins, Jordan
12 and Jamie, and I have been friends since elementary school. I have hung out at their
13 house a lot over the years.

14 3. Bobbie has always been a really big supporter of Glendale High School’s
15 athletics program, and has done a lot to help all of the teams. Bobbie’s fundraising has
16 helped Hilo sports teams that I have been a part of since elementary school, starting
17 with getting some much-needed equipment for our little league and going all the way up
18 to helping pay for a range of Glendale High teams to attend state tournaments. There is
19 a simple reason why Bobbie does it: Bobbie tells me all the time that all kids should
20 have full and equal opportunities to play the sports they love, and that financial
21 considerations should never prevent anyone from getting out onto the field, court, or
22 track. One of Bobbie’s fundraisers was a huge reason we were able to go to the state

23 basketball finals last year. Without the funding assistance, there is no way we all would
24 have been able to afford our hotel. Nobody loves Glendale High sports more than
25 Bobbie. Bobbie never misses an opportunity to promote Glendale High sports. Bobbie
26 even does a weekly events calendar at BB's, like the one marked as Exhibit #5. Bobbie
27 puts a new one on the wall next to the door every week. Bobbie makes sure to include if
28 there are any "sportsmanship summits" happening that week. Sportsmanship summits
29 are something Bobbie does to promote good will between the teams after a game. On
30 those nights, we work later than the typical hours of closing the doors at 8 p.m.
31 Everyone in town knows about the sportsmanship summits at BB's.

32 4. Bobbie gives proceeds from the sportsmanship summits to the Glendale
33 athletics boosters. So everyone knows if they attend a sportsmanship summit, they are
34 putting money back into the community – and specifically Glendale High School. Not
35 only does Bobbie host the sportsmanship summits, but in Spring 2016 Bobbie started
36 putting a donation jar in BB's on the checkout counter next to the register. Bobbie
37 promised to match every donation dollar-for-dollar. In other words, when customers put
38 money in the "Salute the Generals" jar, Bobbie takes the same amount of money out of
39 his/her own pocket and donates it to Glendale athletics boosters too. Sometimes, I get
40 the impression that people come to BB's just to load up the jar. Pretty cool, huh? A
41 picture of the "Salute the Generals" donation jar is marked as Exhibit #2.

42 5. Bobbie is really proud of how much money BB's raises. All of Bobbie's ads
43 show a goofy picture of the Glendale Generals' mascot and that Bobbie raises a bunch
44 of money for the school. A copy of one such ad is marked as Exhibit #1. Bobbie's
45 commitment to Glendale athletics helped Bobbie develop a really good reputation, and

46 people love going to BB's because of it.

47 6. When I turned 16, I asked Bobbie if there were any openings at BB's. I
48 was thrilled when Bobbie said yes! I was so happy to be offered a part-time position on
49 Bobbie's team. Plus, Bobbie has been very accommodating of my schedule with all of
50 my different early and late sports practices and games. The lacrosse games are on
51 Fridays and Saturdays, so it makes it hard for scheduling. Fortunately, BB's was closed
52 on Sundays and Mondays, so I could catch up on my homework on those days. As BB's
53 employee handbook refers to attendance, with the attendance policy marked as Exhibit
54 #4, you must be ready and rarin' to go when the customers get there. I mean, lateness
55 is technically against the rules. I do not deny that I have been late a few times. But, I
56 have never missed a scheduled shift entirely without first telling Bobbie. Besides,
57 everybody's hours are all clocked in on our timesheets. My own timesheet is included in
58 the timesheets marked as Exhibit #3. We could not hide anything on our timesheets
59 from Bobbie. During my initial interview, Bobbie pointed to BB's attendance policy in the
60 handbook given to me and told me that, while Bobbie could tolerate some tardiness
61 here and there, if it ever impacted a customer's experience, it would be a "flagrant foul."

62 7. Sometimes I worked the same shift as Landry Lamar. I do not know
63 Landry very well. I am more into sports and Landry is more into academics. Landry and
64 I had some classes together in high school, but we never really talked in class. Landry
65 seemed smart and pretty serious about school. I heard that Landry was admitted into
66 the University of East Hilo's (UEH) Honors College. I used to think Landry seemed like a
67 nice person, at least until Landry accused me of stealing from the donation jar in May
68 2016. Now I think Landry is a real jerk!

69 8. Here is what happened. Back on Thursday, May 5, 2016, Landry and I
70 were working together on the night shift. Basically everyone from Glendale High had
71 come out and staged an impromptu pep rally for the lacrosse game against Tilton High,
72 which was happening the next day. Bobbie left early that night to check on the A/C at
73 Garmon's. So, we were scrambling to close for the night because it had been really
74 busy especially with Bobbie gone. I was in Bobbie's office sorting money from the cash
75 register till and the "Salute the Generals" donation jar, and changing out big bills. We
76 often get big bills at the register and swap them for smaller ones, which we usually find
77 in the donation jar. It wasn't uncommon practice for me to exchange the little bills from
78 the "Salute the Generals" jar with big bills from the cash register till. Also, I liked to
79 exchange all of the dollar bills I get in tips for the evening for larger bills at the same
80 time, so I do not have to carry around a bunch of singles. That way, change for
81 customers was already to go in the cash register till for the next day.

82 9. Well, I was in Bobbie's office and all of a sudden, from out of nowhere,
83 Landry barged in the office, saw me putting some of the smaller bills from the donation
84 jar into the cash register till, and started screaming at me about how I was stealing
85 money from Glendale athletics. That was just stupid, and I told Landry as much. Landry
86 did not want to listen and stormed out of the office saying, "Shove it, Sloan. I'm reporting
87 this to Bobbie." I did not think much of it.

88 10. Landry claims to have seen me put money from the "Salute the Generals"
89 donation jar in my pocket. Well, Landry is wrong. I would never steal – not from Bobbie,
90 and certainly not from the Generals! Besides, Landry could not have had a good view of
91 me counting the money from the cash register till and the donation jar because the jar,

92 the cash register till, and the picture of the twins on Bobbie's desk must have partially
93 obstructed Landry's view. Counting the money in the cash register till and the money
94 from donation jar was part of my closing procedure. Bobbie never directly told me to
95 count the money from the donation jar, but I figured it was part of my closing
96 responsibilities as shift manager. As shift manager, I was responsible for counting the
97 cash register till and making sure to leave \$100 in small bills – ones and fives – and
98 coins in the cash register till. Then, I would put the cash register till back in the register
99 and lock it up for the night. I would take the remaining money from the cash register till,
100 put it in an envelope and drop it into the safe. The safe had a slot on top where I could
101 drop money in, but never have access to the safe. The "Salute the Generals" jar would
102 get dumped into the "Glendale Athletics" donation box and I would put that donation box
103 in Bobbie's bottom desk drawer. The empty donation jar always went back up front next
104 to the register.

105 11. I was shocked when Landry accused me of stealing and then complained
106 to Bobbie. It really has made me lose a lot of respect for Landry. As I predicted, Bobbie
107 knew that I am not the stealing type, and believed me when I said I would never steal. I
108 am still not sure what Landry was thinking. Bobbie ended up firing Landry because s/he
109 was breaking the rules. I am not really sure what rule or rules were broken, because
110 Bobbie does not talk to employees about hiring and firing stuff. It was probably for
111 closing early when I think about it. Anyway, it is not an issue any more, since Bobbie
112 declared the "Salute the Generals" donation jar fundraiser a success and closed it down
113 so Bobbie could concentrate on the next big fundraising and marketing strategy.

[Sloan Spencer's Witness Addendum is on the following page.]

WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time.
The material facts are true and correct.

Signed,

Sloan Spencer

Sloan Spencer

SIGNED AND SWORN to me

Miriam Easley

Miriam Easley, Notary Public

State of Hawaii

My Commission Expires: 12/08/20

Affidavit of
CHRIS HAIL

(Tilton's Athletics Director)

1 1. My name is Chris Hail and I am 36 years old. I am the Athletics Director at
2 Tilton High School, and have been in that position for the past six years. Prior to joining
3 Tilton, I coached at Glendale Middle and taught Hawaii History. I went to Glendale High
4 School, and then to Wofford College for my undergraduate degree in education.

5 2. Our school has a big cross-town rivalry with the Glendale Generals. But
6 then again, Glendale is good at everything which makes most schools consider them a
7 rival these days. We usually play Glendale at least once in every sport every year, and
8 those games tend to draw some of the biggest crowds. Playing at Glendale can be a
9 little intimidating. The fans really go all-out. Glendale's athletics program has a
10 seemingly endless amount of support. Still, we really enjoy playing over there. Tilton
11 has been treated with sportsmanship, kindness, and hospitality whether we win or lose
12 at Glendale.

13 3. Our lacrosse team was scheduled to play at Glendale High School on
14 Friday, May 6, 2016. Our team had a pretty good lineup, so I thought our chances were
15 good, even though we did not have the home field advantage. We bussed over to
16 Glendale early, so we would have extra time to warm up. On the way there, we drove by
17 Bobbie's Burgers or "BB's," which reminded me of its post-game "sportsmanship
18 summits." The times I had been there in the past were great. They were always packed
19 with athletes and fans coming together over food. I also confess that, whenever I eat
20 there, my student athletes and I usually go a little overboard with the experience. I
21 mean, have you ever had a BB's General's Burger? That burger is huge and a little
22 pricey too! The last time I was there, they went for \$10 a piece. But, it is enough of a

23 culinary masterpiece that, at the last sportsmanship summit, my athletes, their parents,
24 and I must have collectively downed at least a few dozen of them, not to mention fries,
25 drinks, and milkshakes. BB's is located close to Glendale High, so I made a mental note
26 to take my team back to BB's to celebrate after the game. I know BB's closes early
27 during the week, but it always stays open late after big sporting events. After all, I had
28 seen the ads in the Hilo Daily, a copy of which is marked as Exhibit #1, and I am all for
29 supporting businesses that support the community.

30 4. Unfortunately, the game did not go the way we thought it would. One of
31 our best scorers twisted an ankle early on and it really messed up our game plan. I still
32 think that the referee missed the cheap shot cross-check from Sloan Spencer that
33 caused the twisted ankle, but sometimes the calls don't go your way. Glendale took
34 control of the game, and that was basically it. It was a close game until our best scorer
35 went down. We lost the game and our team was really dejected. As we were packing up
36 to leave, Bobbie came over and shook my hand. Bobbie offered best wishes for my
37 injured player, which I thought was pretty nice. Bobbie is well known around Hilo (and,
38 for that matter, over at Tilton as well) for being a major Glendale supporter, the owner of
39 BB's and Garmon's. I told Bobbie about my original plan to celebrate at BB's, but since
40 there was not a lot to celebrate in addition to an injured player, we would probably just
41 head on home instead.

42 5. Bobbie's response was a huge surprise. Bobbie said, "There is no way
43 you guys are going home like this," and invited the whole team over to BB's as a
44 gesture of good sportsmanship. Bobbie even said the first ten milkshakes were going to
45 be on the house. The offer seemed a little over the top, but I was not going to complain.

46 My team, their parents and our fans all were feeling really down, and some free
47 milkshakes seemed like just the thing to cheer everyone up. We were all pretty hungry,
48 too, and the original plan was to eat there anyway. Not to mention, some of the team's
49 players and parents were talking about BB's Glendale athletics "Salute the Generals"
50 donation jar that we knew about since we had been at BB's during the fundraiser
51 campaign the month before. A picture of the donation jar is marked as Exhibit #2. No
52 one could miss that jar right there at the checkout counter by the register. To be honest,
53 I was planning on making a pretty sizable donation as a gesture of my gratitude. I think I
54 told Bobbie as much – or at least hinted at it – before heading over to BB's.

55 6. Once we packed up our gear and into the bus, we left Glendale and
56 headed straight for BB's. Once we got to BB's, I saw the place was closed and the lights
57 were off. Immediately, I wondered if I totally misunderstood Bobbie's invitation, or was
58 Bobbie just playing me? The team's spirits had lifted at Bobbie's generosity, but it
59 seemed like Bobbie had blown us off. Now my team was really mad. I stepped down off
60 the bus and went up to the entrance to look at BB's hours. Everyone knew BB's closed
61 at 8 p.m. unless there was a sportsmanship summit. It was only 7:45 p.m. I was even
62 more surprised to see that the place should have been open for another 15 minutes
63 even if there had not been a summit. Now that I think about it, it seemed like a lot of
64 cars were pulling in the parking lot and pulling back out when they saw that BB's was
65 closed. It did not seem like we were the only ones disappointed about BB's being
66 closed. Surely, Bobbie would not have let the employees close early, knowing there
67 would be a "sportsmanship summit." Right? Once again, my team was leaving
68 disappointed twice in one night.

69 7. I have been to BB's before and I have seen the weekly events calendar
70 posted on the wall next to the front door. Obviously, I did not see the events calendar
71 that included Friday, May 6th, but I was there on Saturday, April 23rd after a local Tilton
72 game with my team. We were discussing some of the plays and I realized I needed to
73 write something down. In search of paper, I noticed that while they were closing up that
74 BB's employees had thrown away that week's weekly events calendar. I used the back
75 of it to take some notes that I took back to my office. The front side of this weekly events
76 calendar is marked as Exhibit #5. There were no home Glendale games that night, so
77 we left BB's at 8 p.m. and the employees locked the doors behind us as we left.

78 8. Bobbie was pretty mad when arriving to a closed BB's after the game on
79 Friday, May 6th. I heard Bobbie talking to some kid who happened to be sitting in a car
80 at BB's. The kid identified him/herself as Frankie Fields. What a small world, I have a
81 cousin named Frankie Fields too. Bobbie sounded mad and was about to blow a
82 gasket. Frankie said something about how Landry had closed BB's early. Bobbie yelled,
83 "Well, Glendale athletics is going to miss out, and believe me, Landry is going to be in
84 trouble." I do not think I heard Bobbie use the word "troublemaker," but I could be
85 wrong. I immediately knew when Frankie said "Landry" that s/he had to be talking about
86 Landry Lamar. When I taught at Glendale Middle, Landry was in my history class.
87 Landry was always a know-it-all kid, and could not seem to get along with others.
88 Landry was the first (and I hate to use the term) to tattletale on other students for infractions
89 of the rules, no matter how slight. At the same time, all the rules Landry would complain
90 on others about, never seemed to apply to Landry in his/her mind.

91 9. While Bobbie was yelling and there was all of this commotion going on, I

92 was focused mainly on managing the Tilton team. I also heard Bobbie say something
93 about how at least Bobbie now “didn’t have to pony up on the dollar-for-dollar deal” and
94 how the whole thing was costing Bobbie “a pretty penny.” Frankie then said something
95 about Sloan Spencer, one of Glendale’s biggest star athletes. Everyone knows who
96 Sloan is. I did not hear exactly what it was, but it seemed to make Bobbie even angrier.
97 “Whatever!” Bobbie exclaimed, and then stormed off. We then left without getting dinner
98 or our milkshakes, and we definitely did not make a donation. After all, we could not get
99 in the place. We arrived back at Tilton, unloaded the bus, and everyone went on their
100 separate ways for dinner. The team and the parents were at an all-time low that night.

101 10. Bobbie called me the next day and told me the whole thing had been a big
102 misunderstanding. As it turned out, one of Bobbie’s employees had closed early without
103 telling Bobbie or getting Bobbie’s permission. Bobbie told me that s/he had “taken care
104 of that employee” and that it would never happen again. I knew that meant Landry had
105 been fired even without Bobbie saying Landry by name. I really appreciated the gesture
106 and fully accepted Bobbie’s apology. But as for my team, their parents, and their fans –
107 it is going to take some time for them to get over what they perceived to be a snub. We
108 were back at Glendale High this year for our season-opening soccer game. After the
109 game ended, I suggested that we all head over to BB’s for some burgers and
110 milkshakes. Even though we had won, everybody seemed like they just wanted to go
111 home to celebrate there instead. One of the parents in the group said, “Why, so BB’s
112 can stiff us again?” I tried to explain about the mix-up back in May 2016, and how it had
113 been an honest mistake, but my group was having none of it.

[Chris Hail’s Witness Addendum is on the following page.]

WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

Chris Hail

Chris Hail

SIGNED AND SWORN to me

A.G. Molli

A.G. Molli, Notary Public

State of Hawaii

My Commission Expires: 12/15/23

EXHIBITS

EXHIBITS AVAILABLE TO BOTH PARTIES

The parties have stipulated to the authenticity of the trial exhibits listed below. The Court will, therefore, not entertain objections to authenticity of these trial exhibits.

The parties have reserved any objections to the admissibility of any of these exhibits until the trial of the above-captioned matter. The trial exhibits may be introduced by either the Plaintiff or the Defendant, subject to the Rules of Evidence and the stipulations of the parties contained in the materials.

#	EXHIBIT DESCRIPTION
1	Bobbie's Burgers Ad / Poster
2	"Salute the Generals" Donation Jar
3	Employee Timesheets
4	Attendance Policy
5	Weekly Events Calendar

The parties reserve the right to dispute any other legal or factual conclusions based on these items and to make objections to these items based on other evidentiary issues.

BOBBIE'S BURGERS

Proud partner of Glendale High School presents:

SALUTE THE GENERALS



In support of the GHS Sports Booster Club,

BOBBIE'S BURGERS

will match every dollar donated!

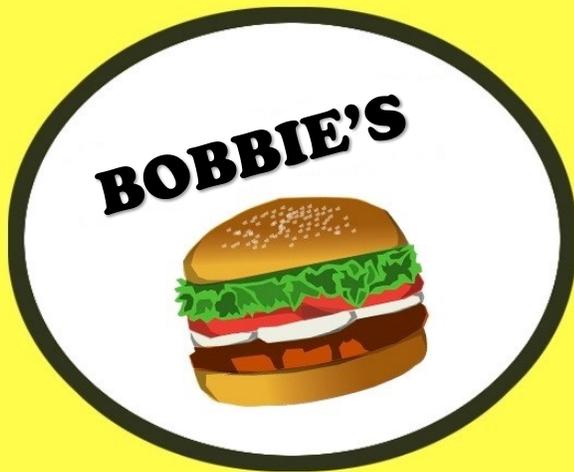


EXHIBIT #2: "Salute the Generals" Donation Jar



Bobbie's Burgers' Employee Timesheets

Time Period: April 14, 2016 – May 6, 2016

Employee Name: Landry Lamar

Scheduled Date	Time In	Time Out	Hours Worked
Thursday 04/14/16	03:30 PM	08:30 PM	5:00
Friday 04/15/16	04:00 PM	10:05 PM	6:05
Saturday 04/16/16	09:30 AM	05:02 PM	7:32
Thursday 04/21/16	04:01 PM	10:30 PM	6:29
Friday 04/22/16	04:02 PM	08:25 PM	4:23
Saturday 04/23/16	04:05 PM	08:17 PM	4:12
Thursday 04/28/16	03:58 PM	10:00 PM	6:02
Friday 04/29/16	04:00 PM	07:32 PM	3:32
Saturday 04/30/16	09:32 AM	05:30 PM	7:58
Thursday 05/05/16	04:01 PM	09:00 PM	4:59
Friday 05/06/16	04:02 PM	07:30 PM	3:28
TOTAL			59:40

Bobbie's Burgers' Employee Timesheets

Time Period: April 14, 2016 – May 6, 2016

Employee Name: Sloan Spencer

Scheduled Date		Time In	Time Out	Hours Worked
Thursday	04/14/16	03:53 PM	08:36 PM	4:43
Friday	04/15/16	---	---	---
Tuesday	04/19/16	04:05 PM	09:30 PM	5:25
Wednesday	04/20/16	04:00 PM	07:50 PM	3:50
Thursday	04/21/16	05:30 PM	10:35 PM	5:05
Saturday	04/23/16	09:45 AM	03:03 PM	5:18
Tuesday	04/26/16	04:06 PM	08:38 PM	4:32
Wednesday	04/27/16	04:30 PM	08:41 PM	4:11
Thursday	04/28/16	05:07 PM	10:04 PM	4:57
Friday	04/29/16	---	---	---
Saturday	04/30/16	06:00 PM	09:00 PM	3:00
Tuesday	05/03/16	03:59 PM	08:25 PM	4:26
Wednesday	05/04/16	04:01 PM	08:31 PM	4:30
Thursday	05/05/16	04:10 PM	09:05 PM	4:55
Friday	05/06/16	03:00 PM	04:15 PM	1:15
Saturday	05/07/16	---	---	---
			TOTAL	56:07

Bobbie's Burgers' Employee Timesheets

Time Period: April 14, 2016 – May 6, 2016

Employee Name: Sam Jackson

Scheduled Date		Time In	Time Out	Hours Worked
Thursday	04/14/16	04:00 PM	08:30 PM	4:30
Friday	04/15/16	03:59 PM	10:05 PM	6:06
Saturday	04/16/16	04:00 PM	08:40 PM	4:40
Tuesday	04/19/16	04:00 PM	09:20 PM	5:20
Wednesday	04/20/16	04:00 PM	07:50 PM	3:50
Thursday	04/21/16	03:56 PM	10:30 PM	6:34
Friday	04/22/16	04:01 PM	08:25 PM	4:24
Saturday	04/23/16	04:00 PM	08:17 PM	4:17
Wednesday	04/27/16	04:31 PM	08:28 PM	3:57
Thursday	04/28/16	04:00 PM	10:00 PM	6:00
Friday	04/29/16	04:01 PM	08:20 PM	4:19
Saturday	04/30/16	09:30 AM	05:30 PM	8:00
			TOTAL	61:57

Attendance Policy

I. Punctuality and Missed Shifts

Bobbie's Burgers is open every Tuesday through Saturday, 10:00 a.m. until 8:00 p.m., unless there is a special event planned, then Bobbie's Burgers closes at the earlier of when all patrons have left or no later than 10:30 p.m. For scheduling purposes, it takes approximately 15 minutes to open and close. Each employee is expected to help out with opening and closing, when scheduled.

- a. All Bobbie's Burgers' employees are expected to be ready and rarin' to go at the beginning of any scheduled shift.
- b. All Bobbie's Burgers' employees are expected to work the entirety of their scheduled shift unless otherwise authorized by Bobbie.
- c. All Bobbie's Burgers' employees must notify Bobbie of any absences or changes in shifts in advance.

II. Disciplinary Action

- a. Habitual lateness will earn you a stern talkin' to, and if the problem persists or affects a customer's experience, this will result in possible suspension or termination.
- b. A no-call, no-show absence without a reasonable, verifiable excuse is a flagrant foul in Bobbie's book. Such conduct will result in immediate termination, no exceptions.

III. Exceptions

- a. Pre-approved absences or scheduled adjustments are not subject to the Disciplinary Provisions of the Attendance Policy.
- b. In the event of an emergency or other circumstance that affects an employee's ability to comply with the Attendance Policy, notify Bobbie immediately.

[Excerpt from Bobbie's Burgers Employee Handbook]



Bobbie's Burgers Weekly Events Calendar

Month/Week	APRIL 17-23, 2016						
	4/17/16	4/18/16	4/19/16	4/20/16	4/21/16	4/22/16	4/23/16
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
CLOSED	CLOSED		TABLE TENNIS TOURNEY BBQ FUNDRAISER		GLENDALE SOCCER V. DAVIDSON HS (HOME) SPORTSMANSHIP SUMMIT @ BB'S	GLENDALE LACROSSE V. RICE HS (AWAY)	GLENDALE SOCCER V. WRENN HS (AWAY)

Make Bobbie's Burgers a part of your game day tradition!