IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CRIMINAL NO. 21-00061LEK
Plaintiff,	)	Honolulu, Hawaii
vs.	)	April 30, 2025
(1) MARTIN KAO,	)	MOTION HEARING TO DETERMINE THE AMOUNT OF RESTITUTION OWED TO PACMAR, F/K/A NAVATEK, PURSUANT TO 18 U.S.C. SECTION 3664(d)(5)
Defendant.	)	

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE LESLIE E. KOBAYASHI
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government:	CRAIG S. NOLAN, ESQ. Office of the United States Attorney PJKK Federal Building 300 Ala Moana Blvd., Suite 6100 Honolulu, Hawaii 96850
For the Defendant:	RANDALL K. HIRONAKA, ESQ. Miyoshi & Hironaka, LLLC City Financial Tower 201 Merchant Street, Suite 2240 Honolulu, Hawaii 96813
Official Court Reporter:	Cynthia Fazio, RMR, CRR, CRC United States District Court 300 Ala Moana Blvd., C-270 Honolulu, Hawaii 96850

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WEDNESDAY, APRIL 30, 2025 10:02 A.M.

THE COURTROOM MANAGER: Criminal Number 21-00061LEK, United States of America versus Martin Kao. This case has been called for a hearing to determine the amount owed to PacMar, f/k/a Navatek.

Counsel, please make your appearances for the record.

MR. NOLAN: Good morning, Your Honor. Craig Nolan for the government. Also present is probation officer Sara Nieling.

THE COURT: All right, good morning to you both.

Mr. Hironaka.

MR. HIRONAKA: Good morning, Your Honor. Randy Hironaka on behalf of Martin Kao. Your Honor, he's not present. I actually did not look up his rights with respect to being present at a restitution hearing, but I'm willing to waive his presence if it's okay with Your Honor.

THE COURT: Yes, I think we should waive his presence.

MR. HIRONAKA: Thank you.

THE COURT: All right. You may be seated.

All right. I've had an opportunity to review through the submissions, and particularly to take a look at *United States versus Bright*, which is 353 F.3d 1114, a 2004 Ninth Circuit case. I also took a look at, which is, I thought, was a very good discussion of the *Bright* case, *United States of America versus Williams*, which is a District of Oregon case by

Judge Anna Brown; it's found at 2009 Westlaw 10691088.

And it's my inclination that just because there was an arbitration and there was an arbitration award, which I just need confirmation that it has not yet been paid, that fact does not prevent me from awarding restitution. So I'm inclined to say that PacMar can get restitution for attorney's fees that they expended as a result of federal subpoenas, et cetera.

The problem is that I've looked through the submission of all of the attorney's fees and, I mean, I haven't gone through it with a fine-tooth comb, but I would say the majority, I don't know, I can't give a number, but more than 50 percent, have nothing to do with that and so should not be included in a restitution award. And I've looked at Ms. Nieling's e-mail and I agree with her, I don't think it's Probation's role to go through all these attorneys' bills and figure out how much was spent in responding to the federal investigation in the District of Hawaii.

Now, I know I saw several entries that had to do with responding to the federal prosecution in the District of Columbia, which is a separate case from this and for which I did not sentence him. So I don't think it's appropriate for me to order restitution having to do anything with the prosecution in the District of Columbia. I would leave it to that sentencing judge if that's appropriate.

There are other things that had to do with, I guess,

working with federal agencies. I guess there's a concern that there is going to be a problem with regard to, you know, future business and so forth. That, again, you know, strikes me as something that would not be part of restitution, that that was a voluntary aspect of the business and those who could make those decisions for the business to try to ameliorate any of the damage that was done to Mr. -- done by Mr. Kao to the reputation of PacMar. Again, they could get that in arbitration. I don't think that's part of restitution.

So, those are my thoughts after reviewing everything. I certainly don't want to go through all of these attorney's fees and so forth. I would place that on the government, but not really Mr. Nolan, but if PacMar's -- PacMar and their attorneys wish to have that in a restitution award, then they need to go through it and then provide me with the documentation and point out why that's related to the District of Hawaii prosecution, and the expense and time that was spent in responding to government requests or what have you.

For instance, I would just point out, I don't mean to beat a dead horse here, but this is Invoice Number 101419, Exhibit B at Page 65, and there are several entries, one of which it says on December 31, 2020, an entry for P. Burton, confer with D. Drunk -- I'm sorry, Brunk, B-R-U-N-K, exchanges and conferences with counsel and client on numerous issues, conference with the District of Columbia U.S. Attorney's Office

and Department of Justice Public Integrity Section attorneys and draft report regarding the same.

That to me indicates two things. One, that had to do with the District of Columbia prosecution, and two, I can't tell what exchanges and conferences with counsel and client on numerous issues has to do.

So I wouldn't award that as restitution because it's not related to responding to the government's request, or if they were responding and corresponding with Mr. Hironaka regarding the District of Hawaii, that would be part of, I think, the restitution. But general entries such as review documents for privilege, prepare electronic documents for attorney review and coding, I couldn't in good conscience award that as restitution because I don't know what that was in reference to.

I did see a couple of entries that talked about responding to subpoena requests and so forth. Those, where it's documented, had to do with the District of Hawaii prosecution, I think those would be part of what I would look upon as being part of the restitution.

But I really can't tell from the majority of the entries what that is related to with regard to being qualified to be awarded as restitution.

Okay. So that's my inclination. If I follow my inclination, what I would do is deny without prejudice PacMar's

restitution request and permit a refiling with documentation supporting a specific amount and with documentation that supports that those attorney's fees and services were expended because of the District of Hawaii prosecution and responded to subpoenas, requests by the government, meetings with the government, possibly meetings with defense counsel related to the District of Hawaii prosecution. That as PacMar's the victim and they had to expend that, makes sense to me.

But without that kind of specificity and documentation, I really can't say that it meets the requirements for restitution, i.e., a loss under the statute related to the criminal activity for which Mr. Kao has been convicted.

So, I want to hear your thoughts with regard to the same. And I'll go around the room and have Mr. Nolan, Mr. Hironaka and then Ms. Nieling sort of weigh in. Mr. Nolan?

MR. NOLAN: Yes, and I certainly understand the Court's thoughts on this. Can I get a minute?

THE COURT: Sure.

MR. NOLAN: So one option here --

THE COURT: Yeah.

MR. NOLAN: -- PacMar, as I understand it, went through a process to determine which parts of the bills are related to the subpoena responses and which are not.

THE COURT: Okay.

MR. NOLAN: And they can explain that process. And I just want to see, now that PacMar through its CEO and through its attorney have heard the Court's thoughts on what they've provided to the government, the probation office and the Court, I want to just ask them kind of what their thinking is. Because ultimately really the burden here, although it comes through the government's request, is -- is on PacMar, you know, a sophisticated victim with lots of lawyers, right? So if I can get 30 seconds.

THE COURT: Absolutely. No, I mean I don't mean to rush you and then maybe you want to have -- confer and then let Ms. Cortez know when you're ready and I can come back in. And, you know, if you want to fold Ms. Nieling in the discussion as well because she's going to review it as well and possibly make a recommendation to the Court.

It's just that whole amount -- what is it, that amazing amount -- 834,000.

MR. NOLAN: Yeah, it's about $850,000, Your Honor. Now, I will tell you that it was hundreds of thousands of documents that came my way.

THE COURT: Yes.

MR. NOLAN: But -- and let me just ask, so that PacMar maybe further understands, so if we were just to look at Exhibit B, Page 65.

THE COURT: Yes.

MR. NOLAN: Just because you pointed that out.

THE COURT: Yes.

MR. NOLAN: And there's a yellow and a purple. Yellow means included, right?

So, what you would hear from the witness is that if it's in yellow, it's included in the total that's been presented to the Court, because it's Hawaii, the Hawaii investigation.

If it's in, I'll call it purple, but maybe it's blue, including the -- the entry you remarked on, that was excluded from the ultimate total numbers because it was, as the Court pointed out, related to D.C.

So there is that level of specificity in the sense that a witness would get on the stand, I think maybe it's in the declaration, and say, Items marked in yellow were included in the total; items marked in blue or purple were not. There are some items that are not highlighted and they are neither. So they're not included. So it's only yellow items.

So what I am wondering, from the Court's perspective, is essentially you have an assertion by PacMar that the yellow entries represent expenditures that were incurred in response to the grand jury subpoenas here. And everything else is excluded in the totals presented. So you have that level of detail.

THE COURT: Well, you do, but look on Page 61, the

first entry, 12/4/2020 by J. Hagen, 5 hours .10, review files received from client regarding credit card charges. Create chart regarding credit card charges by client. Review ledger received from client. E-mail correspondence regarding document collection. E-mail correspondence with Lori McMullen, Clifford Chen regarding additional documents. Review documents received from client for privilege.

Yeah, I don't know how that responds to any of the subpoenas from the government or assisting the government. It may, but if I look at that entry I would deny it.

Now, I don't want to go through each of these entries and figure out what it is. You know what I'm saying? So I just offer that as an example.

MR. NOLAN: So, right, and I -- and I knew that of course we had entries like that, that are general in nature. They don't even mention a subpoena, right?

THE COURT: Right.

MR. NOLAN: So did the Court -- does the Court have in its contemplation, for entries like that, that are not facially obvious as included, as a response to a grand jury subpoena, is there some -- what level of detail or documentation are you asking for from PacMar? Would you want -- would you want essentially a long declaration that addresses each entry, which of course there must be, I'm going to say hundreds, there could be more. Are you expecting that there would be some sort of

paper documentation on top of that? Because otherwise essentially what they're offering is a general assertion that items in yellow were related to their subpoena response to us.

THE COURT: Right.

MR. NOLAN: So it would be informative for them to know kind of what is the -- the backup the Court thinks it would need or want to see to make a determination.

THE COURT: So, I guess starting from the large and going to the small. No, it's not enough to just highlight what it is because I question so many of these that are highlighted in yellow. For instance, 12/8/2020, P. Burton, draft document request for M. Hunsaker. What's that have to do with responding to the government? I don't know.

MR. NOLAN: Sure.

THE COURT: Confer with counsel for individual T. Lam. Again, I don't know.

Conference with V. Woo. Numerous exchanges with team and Hawaiian counsel on numerous issues regarding production and investigation, including review of draft confidentiality order.

Who drafts a confidentiality order when responding to a subpoena from the federal government? Maybe. I don't know. It doesn't seem like it's related.

Review draft Navy submission document and comment on the same.

What's the Navy doing with the subpoenas? I don't know.

MR. NOLAN: Right.

THE COURT: I don't see the -- there has to be something in the -- the description that ties it to, you know -- for instance, telephone call with C. Nolan. Okay, I get that. I know that's you. You were on the case.

Review subpoena, conference with government attorneys regarding scope. Review documents to be produced pursuant to subpoena for attorney-client privilege.

Okay. I see that, but -- and part of it is that it's, you know, there's a lot packed in -- in the billing, I think, and it hasn't been separated because these are highlighted. Like, the whole 3 hours, 3.10 is, you know, highlighted as having to do with response to the subpoena. One, I don't see it, and two, I'm pretty sure that had to do with work for other things for PacMar and not with the District of Hawaii prosecution.

So, I guess what I would say is, in a redo, if you are going to claim this, then for each of those you have to have somebody explain in some sort of format, like you want to do it -- an affidavit. I mean that's a lot for me to review. It's almost like reviewing each of the entries.

MR. NOLAN: Yes.

THE COURT: But someone saying, Well, when we reviewed

for attorney-client privilege, it had to do with the documents that were responding to the government's subpoena in the District of Hawaii case.

I suspect that when they go back, if they want it, they go back through all of this, that a majority of what has been highlighted in yellow will either be reduced or withdrawn.

I mean, so, you know, when you talk about doing work for the internal investigation, well, I don't know how that's related to the government's investigation.

MR. NOLAN: Right.

THE COURT: So those are the kind of questions that I -- I have to see a direct connection to the District of Hawaii prosecution in the sense that because the government was prosecuting Mr. Kao, that created the victim, a responsibility and obligation, right, to expend time and attorney's fees in seeking these documents, producing them to the government. And so I think those are rightly characterized as restitution. And the fact that they got this huge arbitration award but haven't yet received it, then that's going to be an offset at a later time.

MR. NOLAN: Sure.

THE COURT: But that's not for me to decide and, you know, we're not involved with that.

So, I'm pretty sure under the *Bright* case that I can award restitution. So then the more -- the smaller, more

direct point is, I can only order restitution for any injuries to the victim as a result of, you know, Mr. Kao's wrongdoing in the District of Hawaii case.

MR. NOLAN: Right. Right. It's certainly a narrower measure of damages, if you will, than in their civil disputes with Mr. Kao.

Yeah, I really -- I mean, I think the government's of the same view. I wanted PacMar to hear your thoughts on what you might want to see with respect to entries that would then demonstrate to you that any particular entry or part of an entry is compensable under that standard.

THE COURT: Yeah.

MR. NOLAN: So that's helpful. Thank you.

THE COURT: So I guess we can do two things. One, I would highly recommend they take a look at the local rules having to do with applications for attorney's fees when we have to apply the lodestar analysis, just because it gives you kind of categories that we do award as attorney's fees and we don't. Not that I would apply it strictly to this, but I think it's a good guideline.

Secondly, after they go through all of this, one aspect of it is that we could ask the magistrate judge or somebody to sit down with them and kind of help them go on a -- not a line by line, but you know what I'm saying, with regard to it and just have a general idea. So before they submit it

to me, that somebody can go over it with them generally.

I would offer to do it myself. The only problem is I'll be the ultimate decision-maker on this and I don't want it to be kind of like I have these ex parte discussions and then we came up with this order. So that's the only thing I think why I would offer the sacrificial lamb of the magistrate judge. But -- because it might be a good sounding board, right?

MR. NOLAN: Sure.

THE COURT: With regard to that. But I just offer that as a thought. I'm not saying I'm going to require that.

MR. NOLAN: Okay. All right. That's helpful. Thank you.

THE COURT: Okay. Do you want to have a little discussion -- not little. Do you want to have a discussion?

And then, Mr. Hironaka, I'd love to hear your thoughts.

MR. HIRONAKA: No. Yeah, so I just -- before they have a discussion so we don't keep going back and forth, just a few things, Your Honor.

I don't necessarily mind litigating this by paper. What I kind of hear you saying, but I don't want to speak for you, is, I think maybe this needs to be similar to like a privilege log, and I have no desire to go through it. But if it's got to be done, it's got to be done, because there's literally, as Mr. Nolan said, there's hundreds of entries.

So I think what PacMar's attorneys need to do is to basically go through each one and then list why it's compensable. And so -- and then I would respond, I guess.

But there's a couple issues related to that that's just, you know, factually. So I don't know if they can be asked about this as well. But it occurs to me that, I think Your Honor kind of needs to know what the grand jury subpoenas were asking for in the first place. And so I get that that's secret. I've spoken with Mr. Nolan about it. I know it wasn't part of discovery. But I think that that basic universe needs to be established.

And then I'm guessing that, and maybe we disagree on this, but I'm guessing the response for most of these entries is going to have to do with scrubbing the documents for privilege, which I then had a short conversation with Ms. Nieling about this morning and my position would be that that's not necessarily something that's compensable as restitution.

But again, I haven't looked at these cases that you cited to, so maybe they are, maybe they aren't.

THE COURT: Yeah, I mean those cases actually didn't talk about what specifically -- they just talked about, mostly it was an issue that actually doesn't have to do with the issue before us. But one point, though, that runs through *Bright* is just because that there's insurance, for instance, out there,

that will compensate the victim, it doesn't mean you can't order restitution. It just means later on when they get the insurance they get an offset. So if they get a hundred thousand dollars in restitution and then the insurance policy covers their business loss for 250,000, they don't get the hundred thousand restitution plus the 250 from the insurance coverage. There is an offset there for the -- and the insurance company will then pay over 150,000.

MR. HIRONAKA: Right. And with respect to my collateral estoppel argument, I -- I -- you know, I read the submission, the response by the government, and I agree that, you know, we're probably not really in that realm anymore. So we're really just focused on the --

THE COURT: Right, what's compensable. Right.

MR. HIRONAKA: Right.

THE COURT: So it doesn't really give me guidance with regard to that.

I hear what your argument is, is that that's really for their benefit. You know, it's not because it was required by a response to the government.

On the other hand, you know, say there was a rape victim and as a result of, whatever, you know, the prosecution, there was a request for medical records, or something like that. I think it would be unfair that a victim would just have to turn over all of his or her medical records without first

perhaps someone taking a look at it and saying there may be some things that there's a legal reason to say it doesn't fall within the subpoena for privacy concern, or whatever.

So I kind of, you know -- your client put them in the position where their business records were subpoenaed, and contained within their business records perhaps were privileged. I suspect there was more of a concern about corporate work product.

But, be that as it may, I'm not -- unless I see some sort of, you know, other case law or some sort of factual information that causes me to question about the extent of the review for attorney-client privilege, at this point I think it's in, if it was in response to documents that were requested by the government.

MR. HIRONAKA: So that brings me to my last point, which is that, so again, we don't keep going back and forth. I -- you know, part of my argument today was going to be that I think it's the Buckley attorneys that need to be the ones kind of addressing the applicability here, you know, because they're the ones who responded, basically, to the subpoena. I mean, and I'm not saying a client could never know that, but it's just if we're going straight off of these, I don't think anybody's memory is, yeah, that day, this is what we did. So -- and I'm not even sure the Buckley attorneys could do it, but I just -- I just feel like it's a little bit strange to

have PacMar itself responding to it. It almost needs to be Buckley because these are literally attorney's fees that they're asking to be -- get restitution for.

THE COURT: Yeah, I'm sure they're going to have to work with the attorneys because there's no way that the client would know what was done with regard to it.

So -- so I guess the privilege log is not something I'm requiring. What I'm really asking, I mean, is that they go back, and all the ones that they -- now that Mr. Nolan has advised me, the ones that are highlighted in green or yellow are supposedly related to the District of Hawaii prosecution -- excuse me -- take a look at those and show me why those are related to the District of Hawaii production of the subpoena. Because most of these entries, one, I either can't tell or, two, it doesn't look like it has anything to do with the District of Hawaii pros -- or the subpoenas from the government in the District of Hawaii prosecution.

MR. HIRONAKA: Thank you, Your Honor.

THE COURT: Yeah. So I would say, they would look at -- this is how I was thinking -- they would look at it, they would say, Okay, you know, this isn't clear enough, or whatever; oh, yeah, this has nothing to do with it. So they would delete those now upon second review, Court's guidance, they can't justify as being part of the District of Hawaii prosecution in response to the government. Okay.

And then the ones that they think are or believe are, then for those, they would give me something that would clarify as to each of those entries why that was related, if it's not apparent from the current descriptions -- I think there were a couple of them that talked about it.

MR. NOLAN: I mean some are plain on their face.

THE COURT: Yeah.

MR. NOLAN: But most are not. So I think what the government is hearing from the Court is essentially PacMar needs to look back at the ones they're claiming and they really need to explain each entry for which they're claiming. You know, it may be as simple as, you know, see the entry, right? If it says, Responded to grand jury subpoena --

THE COURT: Yes.

MR. NOLAN: -- in -- in Hawaii case. But for a number of them, they'll need at least a short explanation as to why that particular billing entry relates.

THE COURT: Exactly. Like there's this one on Page 54 could be, research issues related to searches of employees' phones and devices. So it's like, I don't know, was the government, like, going to search them or is demanding it? Maybe. Or maybe they're just worried about it. I don't know. So that I would say, What has that to do with it? Stuff like that.

MR. NOLAN: Right. I know what it has to do, but I

have a lot more knowledge than the Court, and so they need to make that plain.

THE COURT: Yeah.

MR. NOLAN: I get that. Let me propose -- I mean they're here, they've heard what you have to say. Putting on the CEO or their counsel to generally address these things is not going to do what the Court's looking for. So there's no point in doing that.

I will get with them to talk about how they want to do this. It's really at their option, right? And how that might be formatted. And then I will get with Mr. Hironaka and say, Hey, look, we're going to produce it as a spreadsheet, or we're going to produce it as, whatever, a declaration. We're going to give it to Mr. Hironaka first. We will try to see if we have some agreement. And then if there is disagreement, then assuming PacMar wants to go forward, we will provide the Court with the agreed upon numbers, to the extent there are any, and the disagreed upon numbers, we'll give you the document, the supporting document. And then, you know, I guess Mr. Hironaka may want an opportunity to cross-examine a live witness about that. The Court may or may not want to hear any evidence. But does that work as a procedure?

THE COURT: That sounds great, Mr. Nolan. That sounds terrific. So what I would do -- oh, go ahead, Mr. Hironaka.

MR. HIRONAKA: Sorry, just one question. When you

mentioned the local rules, attorney's fees and lodestar, I'm not sure what that is, but were you speaking with -- I just want to make sure I'm not missing an issue. Were you speaking about reasonableness or that has nothing to do with that?

THE COURT: No, I wasn't talking about reasonableness.

MR. HIRONAKA: Okay.

THE COURT: Because, you're right, an award of attorney's fees, case law indicates that the Court is supposed to scrutinize for reasonableness and everything. This is a direct loss. So this is, you know, you get punched in the face, you go to Queen's, you get -- I don't look to, Queen's, you charged too much for, you know, doing the X-ray. That was the X-ray charge, that was the out-of-pocket loss, you know. I just need to know that the -- you know, they don't just say X-ray. For, like, for what? The X-ray of the left orbital area, you know, having -- and it was the same date as the assault. Okay. So then that would be, you know, a compensated -- a compensated fee that was charged to the victim as a result of the criminal act. Something like that. That kind of directness.

MR. HIRONAKA: Don't get me wrong, I would love to charge a thousand dollars an hour but I --

THE COURT: Understood. So I wouldn't apply lodestar where we look at in terms of the -- you know, what is the -- in the -- we usually look at what is the going rate for an

attorney with X number of years of experience. And of course the Hawaii market is very different than --

MR. HIRONAKA: Got it.

THE COURT: -- many of the Mainland markets. So, but I would not look at reasonableness because it was charged and I'm assuming it was, you know, paid by the victim. I'm looking for the directness in terms of -- to -- to the -- to Mr. Kao's wrongdoing in the District of Hawaii and as a result of the government's investigation. So if that's response to subpoenas, or maybe not a subpoena, but a request or an indication that the government will issue subpoenas for, you know, for employees' phones and things like that, then I think that's a natural consequence.

I just can't tell. And so I guess either they -- you know, for -- I'm not going to tell you how to do it, but there must be some sort of format they can come up with; these are what we're claiming for and then you can have an annotation or something --

MR. HIRONAKA: Sure.

THE COURT: -- to indicate to me.

So what I propose doing, just for our recordkeeping purposes, is that our minutes will reflect that the motion is denied -- for restitution is denied without prejudice to refiling with additional documentation. And that way it terms the motion in terms of I'm not just leaving it open and

not resolving it. But that also because without prejudice gives PacMar an opportunity to then recalibrate and provide the documentation, have this meet and confer with Mr. Hironaka, and whatever you can't, you know, agree upon or resolve, then you can either bring back to me or, again, I could talk to Chief Magistrate Judge Mansfield and have him or assign -- he could assign one of the magistrate judges to sit down with you folks and see if you can work out an agreement or work out some sort of format. Again, I'm not going to require it, I'm just offering that.

MR. NOLAN: Okay. That makes a lot of sense to the government.

THE COURT: All right. Very good. Ms. Nieling, do you have anything? As long as I don't task you to go through each of the billing?

THE U.S. PROBATION OFFICER: No, Your Honor, I have nothing more to add. I think the Court's discussions are consistent with what we articulated in the PSR in terms of just requiring more specificity and documentation.

THE COURT: Yeah. Yeah. So we just can't tell at this point. I'm not saying -- I do think they are legally entitled to certain restitution and they're not denied because of the arbitration award, but I just can't tell for lack of specificity.

All right. Very good. So our minutes will serve as

the order then denying without prejudice to refiling. And then I won't give you any deadline. You guys work it out and then you file it and we'll schedule a hearing and go forward from there.

MR. NOLAN: Thank you.

THE COURT: All right. Thank you all. Appreciate it. We stand in recess. Good day everyone.

(The proceedings concluded at 10:37 a.m., April 30, 2025.)

COURT REPORTER'S CERTIFICATE

I, CYNTHIA FAZIO, Official Court Reporter, United States District Court, District of Hawaii, do hereby certify that pursuant to 28 U.S.C. §753 the foregoing pages is a complete, true, and correct transcript of the stenographically reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

DATED at Honolulu, Hawaii, March 1, 2026.

/s/ Cynthia Fazio
CYNTHIA FAZIO, RMR, CRR, CRC