

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT  
STATE OF HAWAII

JEFFREY SCOTT GOOLD,  
Plaintiff,

vs.

HAWAIIAN ELECTRIC COMPANY,  
INC.; HAWAIIAN ELECTRIC  
INDUSTRIES, INC.; ELIZABETH DEER;  
SHANA M. BUCO; JOHN DOES 1-10;  
JANE DOES 1-10; DOE  
CORPORATIONS 1-10; DOE  
PARTNERSHIPS 1-10; DOE ENTITIES  
1-10; and DOE GOVERNMENTAL  
ENTITIES 1-10,

Defendants.

CASE NO. 1CCV-21-0000216 DEO  
(Other Civil Action)

DECLARATION OF ELIZABETH  
DEAR

**DECLARATION OF ELIZABETH DEAR**

I, ELIZABETH DEAR, declare and say that:

1. All of the information stated herein is information based on my personal knowledge that I learned in my capacity as a contractor with Hawaiian Electric Company, Inc. (“Hawaiian Electric”). If called as a witness, I could and would testify to the truth of the matters stated herein except as to those matters stated to be true on information and belief, and as to those matters I believe them to be true.

2. I am a former contract worker for Kumabe HR LLC (“Kumabe”). I was employed by Kumabe from 2017 until March 2019. I left Kumabe because my husband, who is in the military, was transferred from Oahu to San Diego, California.

3. In or around March 2018, Kumabe placed me in a position as a contract worker with Hawaiian Electric. My position at Hawaiian Electric was “HR Service Center Representative.”

4. My role at Hawaiian Electric included answering phones, responding to salary verifications (when a bank verifies an employee’s compensation in connection with a loan), scheduling drug screenings, doing verbal reference checks, and other administrative tasks related to human resources.

5. I interacted with Jeffrey Goold on February 14, 2021. In the first interaction, I contacted Mr. Goold to schedule a drug test. I provided Mr. Goold the location and the available times for the drug test. Mr. Goold asked the distance to the drug test, which I provided. I then called him back to confirm the time. The scheduling process took place over two telephone calls that lasted a few minutes. We did not discuss anything else.

6. An hour or two later, Mr. Goold called me again. He told me that he had a medical marijuana card and that he used marijuana for medicinal purposes. I told him that I would let my supervisor know his situation. This was also a short call the lasted one or two minutes. This was my only other interaction with Mr. Goold.

7. I have read the portion of Mr. Goold’s Complaint where he describes his interactions with me. Mr. Goold states:

26. On or about February 14, 2019, Plaintiff disclosed to Defendant Deer, via telephone, that he was both disabled and was a registered participant in the MCRP.

27. Plaintiff disclosed to Defendant Deer that he was being prescribed medical cannabis for his disability, that he took the prescribed dosage at night before bed, and never took any medical cannabis in the mornings and/or during work hours.

These statements are false and untrue. Mr. Goold told me that he was prescribed and used medicinal marijuana, but he never told me that he was disabled or provided any details about his use. Mr. Goold never gave me any specifics such as “that he took the prescribed dosage at night before bed, and never took any medical cannabis in the mornings and/or during work hours.”

8. In his Complaint, Mr. Goold also states:

28. Plaintiff sought assurances from Defendant Deer that his actions were in compliance with Defendant HECO’s policies, and that his employment would not be affected by any positive drug results for cannabis.

29. Defendant Deer told Plaintiff that he “would be fine” and based on this representation Plaintiff arranged to take a drug test and agreed to provide his 329 Card to Defendant HECO.

These statements are also false and untrue. I never advised Mr. Goold that “his employment would not be affected by any positive drug results for cannabis” or that his employment “would be fine” if he failed the drug test but had a medical marijuana card. I simply told Mr. Goold that I would advise my supervisor that he had a medical marijuana card.

9. In his Complaint, Mr. Goold also states:

55. Defendants HECO and Deer made false representations to Plaintiff that his use of medical cannabis would not be a problem.

56. Defendant Deer knew of the falsity of her statement, or made her statement without knowledge of its truth or falsity.

57. Defendant Deer made her statement in contemplation of inducing Plaintiff to undergo drug testing on February 14, 2019.

These statements are also false and untrue. I never advised Mr. Goold that “his use of medical cannabis would not be a problem.” It is certainly not true that I “knew of the falsity” of any

statement I made, or that I made any statement “without knowledge of its truth or falsity.” Nor did I ever attempt to “induc[e] Plaintiff to undergo drug testing.” As I stated above, I simply told Mr. Goold that I would let my supervisor know he had a medical marijuana card.

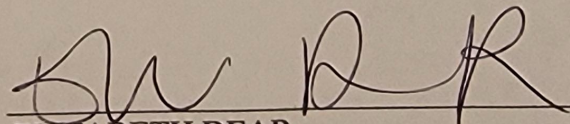
10. I had never spoken with or met Mr. Goold prior to the three phone calls mentioned above. I never had any interactions with him since then. I did not have any knowledge about Mr. Goold outside of these three phone calls. I was just the person who schedules drug tests for prospective employees.

11. It was very disturbing to be named as a defendant in a lawsuit. I no longer work for Kumabe or Hawaiian Electric, or even live in Hawai‘i. My husband is deployed overseas, and I am presently alone raising our infant son. I have never been involved in a lawsuit or experienced anything like this before.

12. The fact that Mr. Goold named me personally as a defendant has caused me significant distress and has been very upsetting. It has caused me stress and I have lost sleep because of these allegations. I cannot think of any reason why Mr. Goold would include me in this lawsuit.

I do declare under penalty of law that the foregoing is true and correct.

Executed this 18th day of March 2021, at San Diego, California.

  
ELIZABETH DEAR