FOR IMMEDIATE RELEASE

JULY 19,2023

CIRCUIT COURT AWARDS 40 MILLION DOLLARS TO A VICTIM OF CHILDHOOD SEXUAL ABUSE AGAINST THE ABUSER

Yesterday, July 18,2023, the Circuit Court of First Circuit issued a ruling on the damages awarded to the Plaintiff (N.D.) against Kenneth L. Apana, involving allegations arising out of childhood sexual abuse when the child was 12 years of age.

The lawsuit was filed in 2020 against Apana and the Makaha, Hawaii Congregation of Jehovah’s Witnesses, of whom Apana was an “Elder”. The claims against the church were later part of a confidential settlement. However, the case proceeded on damages against the individual abuser who failed to respond.

The Court, The Honorable Dean Ochiai, found from the evidence, that damages suffered by this young girl was 15,000,000 million dollars in compensation and 25 million dollars in punitive damages against the Apana individually:

The following are excerpts from the Court’s ruling which is attached:

6. Apana is a 78-year-old man who is currently living on the Big Island. Apana sexually molested minor girls for a period of at least 23 years (from 1988-2011). Plaintiff was one 4 of Apana’s victims and was raped and repeatedly sexually abused in 1992, when she was 12 years old, during sleepovers at Apana’s house.

7. Apana admitted in his deposition testimony that he had sexually assaulted four young girls, including a close family member, as well as Plaintiff.

8. Apana has never been arrested or prosecuted for these crimes.

9. Apana’s first known instance of sexually assaulting children was in 1988 or 89 when he began to sexually abuse a 14 year-old family member. He would enter the minor’s bedroom and masturbate in front of her and touch her vagina. This predatory behavior lasted for four years until the minor family member reached 18 and left the family home.

10. In or about 1992, Apana repeatedly raped and digitally penetrated Plaintiff. The abuse continued for a little over a year. During a ten-day stay at Apana’s home, Apana sexually molested her every night.

11. Apana admitted to sexually abusing another minor child in or around 1992.

12. At the time of this abuse, Apana was a Church Elder of the Church Defendants.

13. Following the abuse, Plaintiff was forced to sit next to Apana during Church services.

14. The last known victim of Apana was sexually abused in 2011. Apana admitted in his deposition that he had sexually abused this victim when she was 13 years old.

15. Apana has shown no remorse for the harms he inflicted on his victim

Conclusions of Law:

5. Had Apana been criminally prosecuted, he would have faced multiple Class A and Class B felony charges with lengthy prison sentences. In Hawaii, the sexual assault of a minor involving “penetration” is a class A felony if the minor is less than fourteen years old, or if the minor is less than sixteen provided the perpetrator is at least five years older than the victim. Haw. Rev. Stat. § 707-730.

6. The Court finds that there is ample evidence in the record to find that Apana committed these crimes against Plaintiff, and that perpetuating these crimes proximately caused Plaintiff’s damages as set forth supra

10. The Court finds the requirements for imposition of punitive damages present in this case. In repeatedly perpetrating sexual abuse of Plaintiff and others over the course of decades, Apana “acted wantonly or oppressively or with such malice as implies a spirit of mischief or criminal indifference to civil obligations” and/or engaged in willful “misconduct or [an] entire want of care which would raise the presumption of a conscious indifference to consequences.”

11. Apana’s conduct was deliberate and in fact constitutes criminal conduct, notwithstanding the lack of criminal prosecution. Both the victims and Apana having testified to the sexual abuse. Apana’s egregious and illegal conduct is indisputable and more than satisfies the clear and convincing standard.

12. An award of punitive damages is necessary and appropriate to punish Apana and to deter him and other wrongdoers from engaging in similar, reprehensible conduct.

13. Given the damages sustained by Plaintiff and the reprehensible conduct of Apana, all of which is supported by the evidence submitted by the Plaintiff, the Court finds that Plaintiff is entitled to an award of compensatory general damages in the amount of Fifteen Million Dollars ($15,000,000) and a punitive damages award of Twenty-five Million Dollars ($25,000,000).

Mark Davis, one of the attorneys at Davis Levin Livingston who handled the case stated:

“At long last, the perpetrator has been held accountable for his actions and the devastating impact his actions have had on so many people, warrant this substantial award”

The case was handled by: Davis Levin Livingston 851 Fort Street Suite 400, Honolulu, Hawaii 96813 and The Law office of James Rogers in Seattle Washington.

For more information, contact Mark Davis (808) 291-7747