

LEONARD G. HOROWITZ, pro se  
13-3775 Kalapana Hwy.  
Pahoa, HI 96778  
808-965-2112; Email: [len15@mac.com](mailto:len15@mac.com)

No. CAAP-15-0000094

IN THE INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAI'I

PAUL J. SULLA, JR., and individual; PAUL J. SULLA, III, and individual	) Civ. No. 14-1-0173 ) THIRD CIRCUIT COURT ) (Appeal of Amended Final Judgments by ) Judge Elizabeth A. Strance ) )
Plaintiff and Appellee	)
vs.	) <b>MANDATORY JUDICIAL NOTICE OF</b>
LEONARD GEORGE HOROWITZ, an individual	) <b>COURT DECISIONS AND AFFIDAVITS</b>
Defendant and Appellant	) <b>IN CASES INVOLVING APPELLEE</b> ) <b>PAUL J. SULLA, JR. [HAW. STATUTES,</b> ) <b>CHAPTER 626, HRE RULES 201(d); 402;</b> ) <b>and 404(b)</b> )

**MANDATORY JUDICIAL NOTICE OF COURT DECISIONS AND AFFIDAVITS  
IN CASES INVOLVING APPELLEE PAUL J. SULLA, JR.  
[HRE RULES 201(d); 402; and 404(b)]**

COMES NOW APPELLANT LEONARD GEORGE HOROWITZ, pro se, pursuant to Rule 201 of Hawaii Statutes, Chapter 626, and Hawaii Rules of Evidence (“HRE”) Rules 201(d); 402, and 404(b); hereby providing mandatory judicial notice of a number of rulings, pleadings, and affidavits pursuant to attorney Appellee PAUL J. SULLA, JR. of probative value in determining the modus operandi, and absence of mistake or accident, in Mr. Sulla administering theft of Appellant Horowitz’s property under color of law, a pattern of fraud upon several courts, maliciously prosecuting the Appellant for years to exhaust his financial resources and defenses, abusing processes by bad faith filings of affidavits and court records aiding-and-abetting a pattern of organized crimes and racketeering enterprise of substantial social interest, not withstanding the

conversion of Defendant/Appellant's properties into Mr. Sulla's drug trafficking enterprise. This Notice is also provided pursuant to *State v. Clark*, 926 P. 2d 194 - Haw: Supreme Court 1996 ("Evidence of . . . crimes, wrongs, or acts 'may, . . . be admissible where [it] is probative of any other fact that is of consequence to the determination of the [case], such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, modus operandi, or absence of mistake or accident." [HRE] 404(b)). In this instant case, the evidence contained below may be admissible for probative value in adjudicating factual matters pursuant to the Defendant/Appellant's Counterclaims for malicious prosecution, abuse of process, and racketeering activities brought against Plaintiff/Appellee Paul J. Sulla, Jr..

## **FINDINGS OF FACT**

### **CASE 1. *Brian G. Takaba v. Commissioner of Internal Revenue*. 119 T.C. No. 18, Doc No. 5454-99. December 16, 2002.**

"Held . . . [Counsel Paul J. Sulla, Jr., for petitioner] is liable for the R's excess costs under sec. 6673(a)(2), I.R.C., since he both knowingly and recklessly made frivolous arguments, thus unreasonably and vexatiously multiplying these proceedings. . . . [A] civil securities fraud action, is an appropriate model for determining whether Mr. Sulla recklessly raised frivolous arguments, . . . We find that Mr. Sulla was reckless. . . . We do so because (1) there were obvious reasons for Mr. Sulla to doubt his interpretation of the regulations and (2) the conclusions to be drawn from the 861 argument are so inherently improbable that only a reckless man would have made that argument. . . , thus, he acted in bad faith. . . . Mr. Sulla unreasonably and vexatiously multiplied the proceedings before the Court. . . .

### **CASE 2. *United States of America v. Bruce Robert Travis*. U.S. District Court for District of Hawaii, Cr. No. 07-00354 HG. Order Granting The Government's Motion to Disqualify Attorney Paul J. Sulla, Jr. (Filed 09/19/07)**

". . . Defendant filed two false tax returns and filed frivolous complaints in the United States District Court for the District of Columbia. The Government asserts that Mr. Sulla assisted Defendant in at least the first of those filings and that Mr. Sulla will be a necessary witness to establish the circumstances of those filings. . . . In light of this Court's ruling, the Court declines to address the Government's alternate arguments that: 1) Mr. Sulla's representation may expose him to personal liability, which would create a conflict pursuant to HRPC Rule 1.7 . . ."

### **CASE 3. *United States of America v. Arthur Lee Ong*. U.S. District Court for District of Hawaii,**

**Cr. No. 09-00398 LEK. Order Denying Defendant Arthur Lee Ong's Motion for Judgment of Acquittal. (Filed 03/06/12)**

The government may prove a conspiracy by circumstantial evidence that the conspirators acted together in furtherance of a common goal *United States v. Kiriki*, 756 F.2d 1449, 1453 (9th Cir. 1985). The circumstantial evidence establishes that Mr. Hardy referred Defendant to Mr. Sulla to help him evade taxes, that Defendant knew the trust system established with Mr. Sulla was a sham, and that he did not rely on Mr. Sulla's advice in good faith. Based on the above evidence, a rational jury could have found beyond a reasonable doubt that Defendant conspired to defraud the Government."

**CASE 4. *Jason Hester vs. Leonard G. Horowitz, Et. al.* United States District Court for the District of Hawaii, Civ. No. 14-00413 JMS-RLP. Order Granting in Part and Denying in Part Defendants Leonard G. Horowitz and Sherri Kane's Motion to Disqualify Co-Counsel Paul J. Sulla, Jr. and Phillip L. Carey From Representing Sham Plaintiff Jason Hester. (Filed 01/05/15)**

"Based on the pleadings in this case and the arguments made by the parties, the Court finds that Mr. Sulla will likely be a necessary witness in this case. In proving Plaintiff's quiet title claim against Defendants, Plaintiff will have to demonstrate that he is the rightful owner of the subject property. Defendant Horowitz and Defendant Kane assert that they have rightful title because Defendant Horowitz satisfied the note and mortgage to Mr. Lee. As noted above, Mr. Sulla executed the Mortgagee's Affidavit of Foreclosure Under Power of Sale, which includes Mr. Sulla attesting to the fact that at the time of foreclosure sale the default remained uncured. . . . In addition to finding that Mr. Sulla is a necessary witness regarding Plaintiff's quiet title claim, the Court also finds that Mr. Sulla is a necessary witness regarding several of Defendant Horowitz and Defendant Kane's counterclaims. Plaintiff did not address the substance of the counterclaims in his Opposition. . . . Defendant Horowitz and Defendant Kane's counterclaims raise several disputed material issues related to the assignment of Defendant Horowitz's mortgage from Mr. Lee to the Overseer of Revitalize and the transfer of the subject property to Plaintiff. Additionally, Defendant Horowitz and Defendant Kane allege that Plaintiff conspired with Mr. Sulla and others to engage in assault, extortion, defamation, trespass, forgery, and theft against them. Mr. Sulla would be a necessary witness to testify regarding the substance of these claims..."

**CASE 5. *Jason Hester vs. Leonard G. Horowitz et. al.* In the Third Circuit Court, Kona Division, State of Hawaii. Civ. No. 05-1-0196. Plaintiff's Motion to Declare [Defendant] Leonard George Horowitz a Vexatious Litigant. (Heard 10/25/2013 and decided 11/12/13 by the Honorable Ronald Ibarra.)**

"As to Sulla's Motion to declare Leonard George Horowitz a vexatious litigant and Motion for Prefiling Order Prohibiting Leonard George Horowitz from filing new litigation, the PLTF's arguments are largely conclusory and based on hearsay. There are no affidavits or declaration from counsel, there are no exhibits proving any of the allegations in the Motion or Memorandum. PLTF provides nothing more by way of evidence of any of its

complaints other than the listing of names of individuals purportedly sued by Horowitz, names and a listing of civil action number many of which have appeared to have applied to small claims court or district court actions, PLTF does not cite case law only definition of vexatious litigant in HRS 634-J1, and DEFT has refuted PLTF's characterization of the cases as he realizes upon his Motion. The Motion for Prefiling Order Prohibiting Horowitz From Filing New Litigation is Denied."

**CASE 6. *Jason Hester vs. The Royal Bloodline of David, In the District Court of the Third Circuit, Puna Division, State of Hawaii.* Civ. No. 3RC-11-1-662. Defendant's Motion to Dismiss Complaint Filed June 21, 2011 for Lack of Subject Matter Jurisdiction. (Filed 12/16/11 by Part time Hawaii District Court Judge, and the Past President and current member of the Senior Counsel Division of the Hawaii State Bar Association, Attorney Peter Stone.)**

"Throughout this prolonged title dispute, there remains one constant. Paul J. Sulla, Jr. was the attorney for Lee when he filed the motion to vacate the \$200,000 jury award at end of the Judicial Foreclosure Action; he still is the attorney for Jason Hester as the Overseer of the [Gospel of Believer's, "GOB"] in the pending appeal; he recorded the Assignment of Mortgage from Lee to Lee as Overseer of [GOB]; he conducted the non-judicial foreclosure for Jason Hester as the Overseer of [GOB]; he drafted and recorded the two Quitclaim Deeds, first to Jason Hester as Overseer to [GOB] and finally to Jason Hester, individual, the Plaintiff herein. Although Plaintiff initially filed this action pro se, now that Royal has challenged the Court's subject matter jurisdiction based on the title dispute, Mr. Sulla has again entered his appearance as counsel for Jason Hester."

## **AFFIDAVITS BY EXPERTS AND COMPLAINANTS**

**STATEMENT 1. *DECLARATION OF BETH CHRISMAN, Forensic Document and Handwriting Expert.* Prepared for Civ. No. 12-1-0417, Signed July 10, 2014.**

"I was asked to compare the handwriting on two (2) 'Notices to Vacate' and one (1) 'Trespass Warning' not to the five (5) additional known handwriting [samples] of Paul Sulla, Jr. to determine the author of the handwriting on the questioned documents. . . . Based upon my thorough analysis of these items, and from an application of accepted forensic document examination tools, principles and techniques, my professional expert opinion [is] . . . There is a strong probability that the Robert Dukat of the known signature samples in Exhibit 5 did not sign the three (3) questioned documents [that Mr. Sulla claimed were signed by Mr. Dukat]. . . . It is probable that Paul Sulla of the known handwriting and signature samples . . . signed the questioned documents. . . . [I]f there were only two suspects or possible writers in this case, one being Robert Dukat [alleged by Mr. Sulla to have signed and served the ejectment instruments] and the other being Paul Sulla, Jr. then it is more probable the author of the questioned documents is Paul Sulla Jr.

**STATEMENT 2. *DECLARATION OF BETH CHRISMAN, Forensic Document and Handwriting Expert. Prepared for Civ. No. 12-1-0417, Signed June 12, 2015.***

“I was asked to analyze a certified copy of the ARTICLES OF INCORPORATION, CORPORATION SOLE FOR ECCLESIASTICAL PURPOSES for the Corporation Sole of THE OFFICE OF THE OVERSEER, A CORPORATION SOLE AND HIS SUCCESSORS, OVER/FOR THE POPULAR ASSEMBLY OF REVITALIZE, A GOSPEL OF BELIEVERS filed with the State of Hawaii Department of Commerce and Consumer Affairs. . . . [that was filed and verified by Mr. Sulla to certify Mr. Hester’s purported interest as the “Substitute Plaintiff” in Civ. No. 05-1-0196, and as the “Foreclosing Mortgagee” in *Civil Loran Lee v. Leonard George Horowitz, et. al.* and subsequent cases. These ARTICLES OF INCORPORATION were filed by Mr. Sulla in his “Motion For Substitution of Plaintiff” dated July 16, 2009, as Exhibit “2” therein, and are material to the claim of fraud before the court and malicious prosecution claims brought by Defendants/Appellants Horowitz and Kane. Subject to these Articles, Mr. Sulla filed the “Substitute Plaintiff’s” “Mortgagee’s Affidavit of Foreclosure Under Power of Sale” with the State of Hawaii Bureau of Conveyances on May 11, 2010, Doc. No. 2010-064624. These articles, Ms. Chrisman continued] contains page(s) that are not authentic in nature but have been duplicated, transferred and altered. Further, the lack of proper page numbering and consistency within the page number makes the document suspicious.”

**STATEMENT 3. *AFFIDAVIT OF ALENE KAPLAN, Hawaii Licensed Family Therapist, Filed in Civ. No. 12-1-0417, Sworn and notarized April 25, 2014.***

“I retained Paul J. Sulla Jr. as my attorney from February 16, 2012 through February 22, 2013. . . . Mr. Sulla violated the Hawaii Rules of Professional Conduct as outline in my complaint to the Office of Disciplinary Counsel. My . . . correspondence with Mr. Sulla evidenc[es] his exploitative tactics within the first weeks that he was retained by me. After paying Mr. Sulla, Jr. \$15,000 in attorneys fees, I informed him that I had no intention of putting any more money into the lawsuit; yet he continued to run up fees in excess of \$10,000. Mr. Sulla then began to harass me with charging interest on the amount in dispute. . . . I have agreed to appear as a witness . . . against Mr. Sulla, to relate my experience with Mr. Sulla’s ineffective, exploitative and unethical assistance as counsel.”

**STATEMENT 4. *AFFIDAVIT OF FREDERICK A. DENTE, Founding Member of KKCR Community Radio Station, Kaua’I 1995-96. Filed in Civ. No. 12-1-0417, Sworn and notarized statement, May 8, 2015.***

“[Paul J. Sulla Jr.] orchestrated and presided over a coup here in Kaua’I in 1995-1996 to basically steal our brand new community radio station, which is now KKCR. He defended and sanctioned all kinds of illegal things some people were doing to pull off the move. As one of the original founders, I was advised by a Prosecuting Attorney to call the police and

start legal proceedings, . . . [W]e went through hell for years trying to change the takeover Board and to restore “normalcy”. . . . Paul Sulla and the perpetrators caused an immense amount of pain and suffering and wasted energy on Kaua’I, to say nothing of the trouble he got in with his drug cult fiasco. In my opinion, he should be in prison for a long time, for the evil doing over the years. He is a truly dark figure. . . . Paul Sulla is the kind of person who will weasel and slime his way out of any worldly punishment. He’s made a career out of working the dark side to his advantage. . . . In addition to the radio station takeover coup Sulla presided over, held some ayahuasca ceremonies here on our property in Kapa’a, in the home of a family member. When we realized what he was doing, we put an end to it immediately.”

**STATEMENT 5. *AFFIDAVIT OF MICHAEL A. SAKELL, Repeat Drug Offender and One of Mr. Sulla’s Ayahuasca Church “Participants.”* Filed in Civ. No. 3SS12-1-146 and Civ. No. 12-1-0417, Sworn and notarized statement of October 7, 2010.**

“ On May 23, 2009 to May 26, 2009 [i.e., the day Mr. Sulla filed the forged Articles of Incorporation for the sham “Substitute Plaintiff” “church”] I was a visitor to the Hamakua Santo Daime Church run by Paul J. Sulla, Jr. . . . [A]t this time and place I participated in the making of over 700 quarts of Daime, which is a liquid tea that is made from the Ayahuasca plant. This manufacturing facility was a very well organized and outfitted manufacture, package, and distribute cases of the Daime. . . . I was informed that the estimated cost of a one (1) quart Mason Jar was approximately \$900, totaling for the three (3) day manufacturing process approximately \$63,000.00. This was an ongoing “service” that occurred approximately once per month. . . . Following manufacturing and packing the valuable Daime, I participated in loading the cases of 1 quart mason jars containing the brown tea fluid (that was the Daime), into vehicles. I helped load at least four vehicles that were then driven off site to some other distribution facility. I had the understanding that Paul Sulla did not want to have this product set around the church, so it was quickly moved to another safe location. It was general knowledge, that I was privy to as a member of this group, that the Daime was to be shipped to the East Coast of the United States to churches for further distribution. Then, the Santo Daime was used as a sacrament in the Church, along with marijuana, . . . During this service, the Daime was served to adults and children as young as eight (8) yeas old. . . . As I watched, approximately a half dozen children, appearing to be ages 8 to 14, participated in the ceremony with the Daime, among a congregation of about fifty people. I was concerned about the children’s health because I knew I was getting pretty high from the affect of the psychedelic drug. During this entire event, Paul J. Sulla, Jr. was the overseer, like the Grand Poobah—a high spiritual leader who directed the service. It occurred to me during this time, feeling fear, that this might be a Jim Jones-type of cult. For this reason, I did not get a warm feeling about the even, or my participation in the service.”

**STATEMENT 6. *AFFIDAVIT OF LONEY J. SALLAS, Permaculture Instructor, Previously with The Royal Bloodline of David estate, Overseen by Dr. Leonard G. Horowitz.* Filed in Civ. No. 12-1-0417, Sworn and notarized statement of March 15, 2011.**

“ On or around New Years Eve on 2002-2003, I went to attorney Paul J. Sulla, Jr.’s Santo Daime Church in Honoka’a to participate in an Ayahuasca ceremony. . . . To gain access to the Church of Santo Daime, I was first referred to see . . . “Augustuz.” Augustuz had an office on Mamane Street, . . . Ayahuasca ceremonies have been part of my family’s heritage. My father is from Columbia, and is indigenous, and has participated in many Ayahuasca ceremonies in S. America, and he encouraged me to participate in similar ceremonies. . . . “Augustuz,” representing himself to me as a licensed attorney, showed me in his office a lot of legal paperwork that I would need to sign to attend the ceremony. I thought this was odd, because I desired to attend a “church,” for a religious ceremony, and I never was made to sign legal forms when I participated in other spiritual or church activities. . . . So on New Year’s Eve, my father and I arrived at attorney Sulla’s Santo Daime Church . . . We then drank the formula and were instructed to lie down in the darkened room for about 30-minutes. After this we were led into the main room . . . We were directed to form male and female semicircles around a man and woman church member dressed in white robes with white pointed hats. These outfits reminded me of the Ku Klux Klan (KKK), and gave me a feeling that this was a cult, not simply an Ayahuasca church or religious ministry. Later, my father also told me that he felt this ceremony was cult-like and strange, unlike any of the many previous Ayahuasca ceremonies in South America and the Big Island of Hawaii he had attended. . . . After about 2-hours of this same ritual conducted on a concrete floor, we were given a brief intermission, but were told not [to] leave the house. The place felt stuffy to me. I wanted to go out to get some fresh air. . . . As I began to walk out of the house, two men blocked my exit. So I made it clear to them that they needed to step aside to let me get out of the house. When I asserted my way out, I was immediately surrounded by at least five men, not dressed in white robes, not participating in the ceremony, but acting as tight security. This threatened and disturbed me even more, and I decided that I would leave the ceremony and property, and I informed them so. They responded by threatening legal action against me since I signed their forms. When their legal action threats did not dissuade me from leaving, they threatened to call the police if I did not return to the house. I did not believe them when they threatened police action. It was inconceivable to me that the police would permit this kind of confined, cult-like, and for me abusive activity. Fed up with these threats, I moved through the group, got in my truck, told the men that if they did not move, or open the gate, I would run them over and crash down their gate. The men slowly moved, but made no attempt to open the gate, so I drove right through it. . . . My father said that this was unlike any previous Ayahuasca ceremony he had ever been to. In describing his experience of the whole event, he said the ceremony was “SICK.”

**STATEMENT 7. *AFFIDAVIT OF TODD SWAIN REGARDING HARASSMENTS OF NOTICES TO VACATE [the Subject Property], Property Manager and Caretaker, Filed in Civ. No. 12-1-0417, Sworn and notarized statement of March 15, 2011.***

“On September [2]0<sup>th</sup>, 2013, upon my return to my current residence at at 13-3775 Pahoia Kalapana Rd, Pahoia HI 96778, I discovered 2 copies of a notice to vacate . . . along with 3 trespass warnings posted on the driveway gate, allegedly from Jason Hester and his lawyer,

Phillip Carey, stating ownership and ordering us to leave the property within 5 days, and forfeit all personal possessions left behind. The eviction notice was signed by an alleged process server named, "R Dum." I immediately panicked. I stopped working and contacted John Scarsalla, a realtor in Seaview, to help me find another place to live, fast. I spent several days looking at properties . . . I have not felt safe at this property since the incident occurred. I have lost much sleep from anxiety and hearing noises not knowing if they are trespassing again or not. I don't know the whole truth of this matter. Whenever I leave the property, I never know if I will be locked out when I return. I feel my security and welfare are greatly diminished and unstable because of the actions of Jason Hester and his lawyer, Phillip Carey. I hold Jason Hester and his lawyer, Phillip Carey directly responsible for my distress, my lacking sleep and lack of work produced from the time of this Eviction Notice posting. I feel ill, nervous & depressed. I feel my personal possessions are unsafe at this address. Whenever I leave the property, I'm nervous and fearful of being locked out legally or illegally. As a result, I do not leave the property much, except to search for a safer place, out of desperation and fear from the signed documented threats of this magnitude. . . . My wellbeing has been threatened and violated. When are they coming back? What are they going to do next? Not too long ago, while residing here, within a mile (at mile marker 14) of this address, a dead body along with a firearm was found. Who was it? Who did it? . . . I do not feel safe here. Who owns this place and who is Paul J. Sulla, Jr. in this mess? Who's the criminal? Were crimes committed? Who can I sue?"

All of the quotations and referenced sources cited above in this **MANDATORY JUDICIAL NOTICE OF COURT DECISIONS AND AFFIDAVITS IN CASES INVOLVING APPELLEE PAUL J. SULLA, JR.**, and attached as Exhibit 15 in the accompanying Appellant's Reply to Appellee's Answering Brief filed September 8, 2015, are true and correct quotations to the best of my knowledge and belief under penalty of perjury.

FURTHER APPELLANT SAYETH NAUGHT.

Dated: Hilo, Hawaii: September 15, 2015



Signed: \_\_\_\_\_

LEONARD G. HOROWITZ, in Pro per