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March 13, 2016 (to be filed on March 14, 2016)

Honorable Melvin Fujino
Circuit Court of the Third Circuit
Keakealani Bldg., Rm. 240
79-1020 Haukapila Street
Kealahou, HI 96750

Hester et al v. Horowitz et. al. Civ. No. 14-1-0304
Re: Writ of Execution

Dear Judge Fujino:

My clients, Defendants Leonard Horowitz and Sherri Kane, advised that Saturday night March 12th they found a Writ of Ejectment signed by you and dated January 29, and entered by the Clerk on March 1, 2016, on the gate to their property that has been the subject of the above referenced litigation. Attorney Stephen Whittaker's name is on the upper left hand corner of the document. As the attorney for Defendants Horowitz and Kane, I should have immediately received a copy of the proposed Writ when it was submitted to the Court by Attorney Whittaker. There is no certificate of service showing that I was served a copy of the proposed Writ - stamped as filed on February 29, 2016. THERE IS CLEARLY THE APPEARANCE OF IMPROPRIETY IN THIS CASE.

Likewise I should have immediately been provided a copy of the signed Writ when that was returned by the Court to Attorney Whittaker for processing and service to me. Instead I received copies of the related Orders on March 4, 2016, but still did not receive a copy of the Writ —IN FACT I HAVE YET TO BE SERVED A COPY OF THE WRIT!

WHAT IS UP WITH DUE PROCESS PROCEDURES HERE?

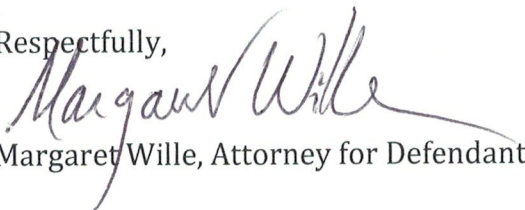
Note that since my clients have in the past not been timely served documents to be provided by Attorney Whittaker, they have been checking Ho'ohiki to make sure a Writ was not signed and issued without their knowledge. It was not until Friday March 11, 2016 that the Orders and proposed Writ filed by Attorney Whittaker was posted on Ho'ohiki. Further the Court's issuance of the signed Writ has yet to be posted on Ho'ohiki.

On March 2, 2016, I filed for a stay pending appeal pursuant to Hawaii Rules Civil Procedure 62(d) – within 10 days of your having denied Defendants' Motion for Reconsideration or Alternatively for New Trial on February 29, 2016 (along with the related Rule 62(b) Motions). A hearing on the March 2nd filed HRCF Rule 62(d) motion is

scheduled for April 21, 2016. In light of the due process violations, the Writ of Ejectment should not be carried out until after a ruling on that March 2, 2016 filed Motion

Please also be advised that this matter is now subject to an automatic stay in light of the March 9, 2016, filing of Bankruptcy by Leonard Horowitz No. 16-00239.

Respectfully,



Margaret Wille, Attorney for Defendants

cc: Stephen Whittaker, Esq. Attorney for Plaintiff

0000154		EXHIBIT A; AFFIDAVIT OF LEONARD G. HOROWITZ; DECLARATION OF ATTORNEY MARGARET WILLE; CERTIFICATE OF SERVICE (HRG: FEBRUARY 26, 2016 8:30 A.M. JUDGE FUJINO)	13:26	MARGARET
0000155	NSUB	NOTICE OF SUBMISSION OF ORDER DENYING DEFENDANT'S "MOTION FOR STAY [HRCP 62(B)] PENDING THE DISPOSITION OF DEFENDANTS' POST JUDGMENT MOTIONS: (1) DEFENDANTS' MOTION FOR STAY OR DISMISSAL PENDING FINALITY IN THE PRIOR FILED RELATED ACTION [HRCP 62(B)], AND FOR (2) DEFENDANTS' MOTION FOR RECONSIDERATION OR ALTERNATIVELY FOR NEW TRIAL [HRCP 59(A)]; EXHIBIT "A"; CERTIFICATE OF SERVICE	03/01/2016 12:07	WHITTAKER, STEPHEN D
0000156	NSUB	NOTICE OF SUBMISSION OF ORDER DENYING "DEFENDANTS' MOTION FOR RECONSIDERATION OR ALTERNATIVELY FOR NEW TRIAL [HRCP RULE 59(A)]; EXHIBIT "A"; CERTIFICATE OF SERVICE	03/01/2016 12:08	WHITTAKER, STEPHEN D
0000157	NSUB	NOTICE OF SUBMISSION OF ORDER DENYING DEFENDANTS' "MOTION FOR STAY OR FOR DISMISSAL PRIOR TO ENTRY OF FINAL JUDGMENT [HRCP 62(B)]; EXHIBIT "A"; CERTIFICATE OF SERVICE	03/01/2016 12:09	WHITTAKER, STEPHEN D
0000158		WRIT OF EJECTMENT; RETURN OF SERVICE ON WRIT OF EJECTMENT	03/01/2016 16:05	WHITTAKER, STEPHEN D
0000159		DEFENDANTS' MOTION FOR STAY PENDING APPEAL [HRCP 62(D)] AND FOR THE SETTING OF SUPERSEDEAS BOND SECURITY DURING THE PERIOD OF THE APPEAL; AFFIDAVIT OF LEONARD G. HOROWITZ; DECLARATION OF ATTORNEY MARGARET WILLE; NOTICE OF HEARING; CERTIFICATE OF SERVICE (HRG: APRIL 21, 2016 8:00 A.M. JUDGE FUJINO)	03/03/2016 14:36	DUNHAM WILLE, MARGARET
0000160		REQUEST FOR WRITTEN TRANSCRIPT/RECORDING OF PROCEEDINGS (2/26/16, MOTIONS)	03/04/2016 10:06	OTHER