

FILED

Margaret (Dunham) Wille #8522
Attorney at Law
65-1316 Lihipali Road
Kamuela, Hawaii 96743
Tel: 808-854-6931
margaretwille@mac.com

2016 MAR 14 PM 3:37

L. MOCK CHEW, CLERK
THIRD CIRCUIT COURT
STATE OF HAWAII

Attorney for Defendants

**IN THE CIRCUIT COURT OF THE THIRD CIRCUIT
KONA DIVISION, STATE OF HAWAII**

JASON HESTER, an individual	)	CIV. NO. 14-1-0304
Plaintiff,	)	(Other Civil Action)
v.)	
)	
LEONARD G. HOROWITZ, an	)	DEFENDANTS' EMERGENCY
individual; SHERRI KANE, an	)	MOTION FOR STAY OF WRIT OF
individual; MEDICAL VERITAS	)	EJECTMENT [HRCP 62(b)],
INTERNATIONAL, INC, a	)	MEMORANDUM IN SUPPORT OF
California nonprofit corporation;	)	EMERGENCY MOTION ,
THE ROYAL BLOODLINE OF	)	EXHIBITS A AND B,
DAVID, a Washington Corporation	)	DECLARATION OF ATTORNEY
Sole; JOHN DOES, 1-10, JANE	)	MARGARET WILLE; NOTICE OF
DOES 1-10, DOE ENTITIES 1-10,	)	NON-HEARING MOTION;
DOE PARTNERSHIPS 1-10, DOE	)	CERTIFICATE OF SERVICE
GOVERNMENTAL UNITS 1-10.)	
Defendants	)	Judge: Honorable Melvin H. Fujino

Non-hearing motion

**DEFENDANTS' EMERGENCY MOTION FOR
STAY OF WRIT OF EJECTMENT [HRCP 62(b)]**

COMES NOW Defendants/Counterclaimants LEONARD G. HOROWITZ, SHERRI KANE, and THE ROYAL BLOODLINE OF DAVID (RBOD)¹, hereafter collectively referred to as Defendants, by and through their attorney MARGARET WILLE, pursuant to Hawaii Rules of Civil Procedure (HRCP) Rule 62(b) moves this Court for an emergency stay of the Writ of

¹ MEDICAL VERITAS INTERNATIONAL, INC. (MVI) is a California based non-profit that was RBOD's lessee of the subject property. Given its limited interest in the subject property, MVI is not pursuing this Motion for a Stay or Alternatively Dismissal or a New Trial.

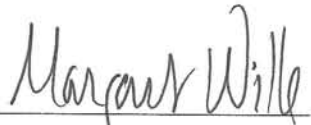
Ejectment filed on March 1, 2016, that would otherwise allow the Sheriff to eject Defendants and their belongings from their home.

Hawaii Rule of Civil Procedure 62(b) allows a stay of proceedings “when justice so requires.”

In light of Defendant Horowitz’s filing of bankruptcy on March 10, 2016 which requires an automatic stay of these proceedings, and Plaintiff’s Counsel’s failure to execute the Writ of Ejectment properly in violation of Defendants’ due process rights. Further there is scheduled on March 26, 2016, a hearing on Defendants’ HRCF Rule 62(d) motion for a stay pending an appeal in this case.

In the event this Court prefers to rule on this motion following a hearing, this matter can be taken up at the hearing now scheduled on April 21, 2016 regarding Defendants’ Motion for A Stay Pending the Appeal to the Intermediate Court of Appeals.

Respectfully submitted.


MARGARET WILLE,

Attorney for Defendants – Counterclaimants - Appellants

DATED: Waimea, HI, 96743 March 14, 2016

Hester vs Horowitz Civ. 14-1-0304, DEFENDANTS’ EMERGENCY MOTION FOR STAY OF WRIT OF EJECTMENT

Margaret (Dunham) Wille #8522
Attorney at Law
65-1316 Lihipali Road
Kamuela, Hawaii 96743
Tel: 808-854-6931
margaretwille@mac.com

Attorney for Defendants

**IN THE CIRCUIT COURT OF THE THIRD CIRCUIT
KONA DIVISION, STATE OF HAWAII**

JASON HESTER, an individual	)	CIV. NO. 14-1-0304
Plaintiff,	)	(Other Civil Action)
v.)	
	)	MEMORANDUM IN SUPPORT OF
LEONARD G. HOROWITZ, an	)	DEFENDANTS' EMERGENCY
individual; SHERRI KANE, an	)	MOTION FOR STAY OF WRIT OF
individual; MEDICAL VERITAS	)	EJECTMENT [HRCP 62(b)]
INTERNATIONAL, INC, a)	
California nonprofit corporation;	)	Judge: Honorable Melvin H. Fujino
THE ROYAL BLOODLINE OF)	
DAVID, a Washington Corporation	)	Non-hearing motion
Sole; JOHN DOES, 1-10, JANE)	
DOES 1-10, DOE ENTITIES 1-10,)	
DOE PARTNERSHIPS 1-10, DOE)	
GOVERNMENTAL UNITS 1-10.)	
Defendants)	

**MEMORANDUM IN SUPPORT OF
DEFENDANTS' EMERGENCY MOTION FOR
STAY OF WRIT OF EJECTMENT [HRCP 62(b)]**

This Memorandum is written in support of Defendants/Counterclaimants LEONARD G. HOROWITZ, SHERRI KANE, and THE ROYAL BLOODLINE OF DAVID (RBOD)¹, Emergency Motion for Stay of the Writ of Ejectment filed on March 1, 2016. Hawaii Rule of Civil Procedure 62(b) allows a stay of proceedings "when justice so requires."

¹ MEDICAL VERITAS INTERNATIONAL, INC. (MVI) is a California based non-profit that was RBOD's lessee of the subject property. Given its limited interest in the subject property, MVI is not pursuing this Motion for a Stay.

In light of Defendant Horowitz's filing of bankruptcy on March 9, 2016, which requires an automatic stay of these proceedings, and Plaintiff's Counsel's failure to execute the Writ of Ejectment properly in violation of Defendants' due process rights, this motion is just. Further there is scheduled on March 26, 2016, a hearing on Defendants' HRCP Rule 62(d) motion for a stay pending an appeal in this case.

Specifically HRCP Rule 62(b) provides:

(b) Stay on motion for new trial or for judgment. In its discretion and on such conditions for the security of the adverse party as are proper, the court may stay the execution of or any proceedings to enforce a judgment pending the disposition of a motion for a new trial or to alter or amend a judgment made pursuant to Rule 59, or of a motion for relief from a judgment or order made pursuant to Rule 60, or of a motion for judgment in accordance with a motion for a directed verdict made pursuant to Rule 50, or of a motion for amendment to the findings or for additional findings made pursuant to Rule 52(b), **or when justice so requires** in other cases until such time as the court may fix. (emphasis added)

I. EXECUTION OF THE WRIT OF EJECTMENT IS REQUIRED TO BE STAYED PENDING DISPOSITION OF DEFENDANT HOROWITZ'S BANKRUPTCY PROCEEDING, NO. 16-00239, ADVERSARIAL PROC. NO.16-90015.

The federal Bankruptcy Code Chapter 11, Section 362 imposes an automatic stay upon proceeding against a debtor, including "any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate". Section 362 specifically provides:

(a) Except as provided in subsection (b) of this section², a petition filed under section 301, 302, or 303 of this title, or an application filed under section 5(a)(3) of the Securities Investor Protection Act of 1970, operates as a stay, applicable to all entities, of - (1) the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the case under this title; (2) the enforcement, against the debtor or against property of the estate, of a judgment obtained before the commencement of the case under this title; (3) any act to obtain possession of property of the estate or of property from the estate or to exercise

² Subsection (b) concern criminal cases and civil cases related to domestic family matters, and is therefore not relevant to this action.

control over property of the estate; (4) any act to create, perfect, or enforce any lien against property of the estate; (5) any act to create, perfect, or enforce against property of the debtor any lien to the extent that such lien secures a claim that arose before the commencement of the case under this title; (6) any act to collect, assess, or recover a claim against the debtor that arose before the commencement of the case under this title; (7) the setoff of any debt owing to the debtor that arose before the commencement of the case under this title against any claim against the debtor. . . .

This automatic stay is truly "automatic," in that it takes effect instantly upon the filing of a bankruptcy petition and is effective against most entities, including the debtor and regardless of whether the entity is aware of the filing.³

Defendant Leonard Horowitz filed for bankruptcy on March 9, 2016, BANKRUPTCY NO. 16-00239, ADVERSARIAL PROC. NO.16-90015. On March 10, 2016, the Notice of Bankruptcy Case Filing was filed in this case. (Exhibit A)

2. THIS CASE SHOULD ALSO BE STAYED BECAUSE THE PROCESSING OF THE MARCH 1, 2016 FILED WRIT OF EJECTMENT HAS BEEN CARRIED OUT IN A MANNER THAT VIOLATES DEFENDANTS' DUE PROCESS RIGHTS

Section One of the Fourteenth Amendment to the United States Constitution provides:
"[N]or shall any State deprive any person of life, liberty, or property, without due process of law".

In *RE KEKAUOHA-ALISA*, Bankr. Court, D. Hawaii 2012, the Bankruptcy Court, improper service of ejectment notices was ruled to have damaged the debtors, for which [the Court] granted the defaulting parties compensation for damages along with treble damages for wrongful debt collection practices.

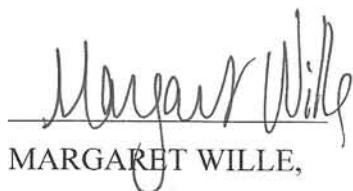
Plaintiff's attorney, Stephen Whittaker, has violated Defendants' due process rights by failing to follow the proper procedures for executing a writ of ejectment. A writ of ejectment is handled by the Sheriff's Department, not by the party's attorney. Once the Sheriff's Department processes the Writ, the Sheriff's then meets with those occupying the premises and arrangements are made for their removal. That did not happen in this case.

³ In re Shapiro, 124 B.R. 974, 981 (Bankr. E.D. Pa. 1991)

Furthermore it is appropriate to serve a copy of the proposed Writ on the opposing party's counsel, and once signed by the Court or Clerk, a copy of the Writ should be served upon the opposing party's counsel.

In this case Plaintiff's attorney submitted the Writ on or about February 29, 2016, and obtained the stamped signature of the Clerk on the proposed Writ of Ejectment on March 1, 2014. No copy was forwarded to the opposing party's counsel, and no copy was delivered for processing to the Sheriff for processing. Instead on or about Saturday March 12, 2016, a copy of the Writ of Ejectment was posted on the gate to the subject property. A copy of the posted Writ is attached as Exhibit B. Only the name and address of Attorney Stephen Whittaker was on the document. This action caused Defendants severe distress, believing that perhaps the Writ was posted by the Sheriff and that they would be ejected immediately.

Respectfully submitted.



MARGARET WILLE,

Attorney for Defendants – Counterclaimants - Appellants

DATED: Waimea, HI, 96743 March 14, 2016

Hester vs Horowitz Civ. 14-1-0304, MEMORANDUM IN SUPPORT OF DEFENDANTS' EMERGENCY MOTION FOR STAY OF WRIT OF EJECTMENT

Ex. A

LEONARD G. HOROWITZ, Pro se
13-3775 Pahoa-Kalapana Road
Pahoa, HI 96778
Email: editor@medicalveritas.org
808-965-2112

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

2016 MAR 10 PM 2:37

F. OTAKE

EX OFFICIO CLERK

**IN THE CIRCUIT COURT OF THE THIRD CIRCUIT
KONA DIVISION, STATE OF HAWAII**

JASON HESTER, an individual	)	CIV. NO. 14-1-0304
Plaintiff,	)	(Other Civil Action)
v.)	
LEONARD G. HOROWITZ, an	)	NOTICE OF BANKRUPTCY CASE
individual; SHERRI KANE, an	)	FILING; CERTIFICATE OF SERVICE
individual; MEDICAL VERITAS)	
INTERNATIONAL, INC, a	)	Judge: Honorable Melvin H. Fujino
California nonprofit corporation; THE)	
ROYAL BLOODLINE OF DAVID, a	)	Hearing date: None
Washington Corporation Sole; JOHN	)	Time of hearing: None
DOES, 1-10, JANE DOES 1-10, DOE	)	Date of Trial: None
ENTITIES 1-10, DOE)	
PARTNERSHIPS 1-10, DOE)	
GOVERNMENTAL UNITS 1-10.)	
Defendants)	

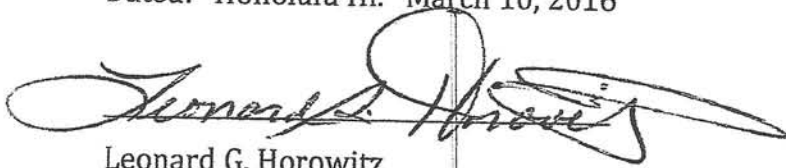
NOTICE OF BANKRUPTCY CASE FILING

Defendant/Counterclaimants LEONARD G. HOROWITZ, Overseer for THE ROYAL BLOODLINE OF DAVID (RBOD), hereby notices the Court and all interested parties of United States Bankruptcy Court Filing of Chapter 13 Case No. 16-00239, and related Adversary Proceeding No. 16-90015; as evidenced by attachments "A" and "B."

An automatic stay of this case is required under 11 USC § 362(a).

I attest under pains and penalties of perjury that the foregoing is true, and that my bankruptcy filing was administered in good faith.

Dated: Honolulu Hi. March 10, 2016



Leonard G. Horowitz

Parties Noticed hereby:

STEPHEN D. WHITTAKER (2191)
(Attorney for JASON HESTER in Civ. No. 14-1-0304)
73-1459 Kaloko Drive
Kailua Kona, HI 96740
808-960-4536

JUDGE RONALD IBARRA
THE CIRCUIT COURT OF THE THIRD CIRCUIT
STATE OF HAWAII
79-1020 Haukapila Street
Kona, HI 96750

JUDGE MELVIN FUJINO
THE CIRCUIT COURT OF THE THIRD CIRCUIT
STATE OF HAWAII
79-1020 Haukapila Street
Kona, HI 96750

MARGARET (DUNHAM) WILLE (8522)
Attorney at Law
65-1316 Lihipali Road
Kamuela, Hawaii 96743
Tel: 808-854-6931

PAUL J. SULLA, JR (#5398)
Attorney at Law
(Attorney for JASON HESTER in Civ. No. 05-1-0196)
106 Kamehameha Avenue, Ste. 2A
Hilo, HI 96720

Fill in this information to identify your case:

United States Bankruptcy Court for the:

District of
(State)

Case number (if known):

16-00239

Chapter you are filing under:

- ☐ Chapter 7
☐ Chapter 11
☐ Chapter 12
☒ Chapter 13

FILED
U.S. BANKRUPTCY COURT
DISTRICT OF HAWAII

2016 MAR -9 P 3:24
Check if this is an
amended filing

MICHAEL S. DOWLING
CLERK OF COURT

Official Form 101

Voluntary Petition for Individuals Filing for Bankruptcy

12/15

The bankruptcy forms use *you* and *Debtor 1* to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, these forms use *you* to ask for information from both debtors. For example, if a form asks, "Do you own a car," the answer would be yes if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Identify Yourself

About Debtor 1:

1. Your full name

Write the name that is on your government-issued picture identification (for example, your driver's license or passport).

Bring your picture identification to your meeting with the trustee.

Leonard

First name

George

Middle name

Horowitz

Last name

Suffix (Sr., Jr., II, III)

About Debtor 2 (Spouse Only in a Joint Case):

2. All other names you have used in the last 8 years

Include your married or maiden names.

First name

Middle name

Last name

First name

Middle name

Last name

First name

Middle name

Last name

First name

Middle name

Last name

3. Only the last 4 digits of your Social Security number or federal Individual Taxpayer Identification number (ITIN)

XXX - XX -

OR

9 XX - XX -

5563

XXX - XX -

OR

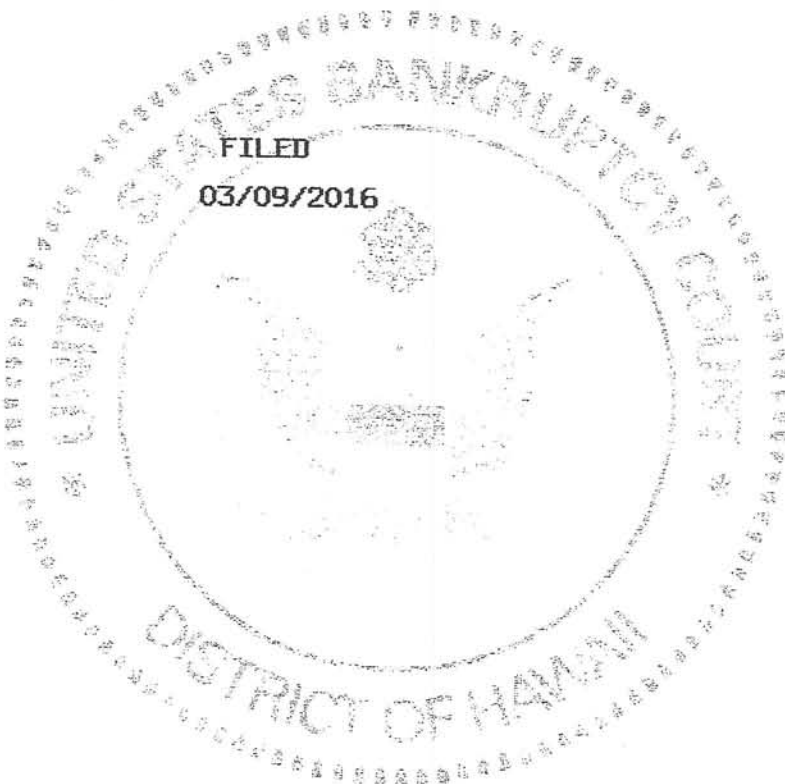
9 XX - XX -

United States Bankruptcy Court
District of Hawaii

**Notice of Bankruptcy
Case Filing**

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 13 of the United States Bankruptcy Code, entered on 03/09/2016 at 3:24 PM and filed on 03/09/2016.

Leonard George Horowitz
P.O. Box 75104
Honolulu, HI 96778
808.946.6999
SSN / ITIN: xxx-xx-5563



The bankruptcy trustee is:

Howard M.S. Hu
1132 Bishop Street, Suite 301

Honolulu, HI 96813
(808) 526-3083

The case was assigned case number 16-00239 to Judge Robert J. Faris.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our *Internet* home page <http://www.hib.uscourts.gov/> or at

the Clerk's Office, 1132 Bishop Street, Suite 250, Honolulu, Hawaii 96813, . .

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

Michael B. Dowling
Clerk, United States
Bankruptcy Court

ADVERSARY PROCEEDING COVER SHEET

(Instructions on Reverse)

ADVERSARY PROCEEDING NO.

16-90015

PLAINTIFF(S)

LEONARD GEORGE HOROWITZ and
SHERI KANE

DEFENDANT(S)

PAUL J. SULLA, JR., JASON HESTER,
ET AL.

ATTORNEY(S) (Firm Name, Address, Telephone No.)

pro se

ATTORNEY(S) (If Known)

PAUL J. SULLA, JR.

PARTY (Check One Box Only)

☒ Debtor ☐ U.S. Trustee
☐ Creditor ☐ Trustee ☐ Other

PARTY (Check One Box Only)

☐ Debtor ☐ U.S. Trustee
☒ Creditor ☐ Trustee ☐ Other

CAUSE OF ACTION (Write a brief statement of cause of action, including all U.S. statutes involved.)

Theft (conversion) of Property title by fraudulent (wrongful) non-judicial foreclosure; forgery, securities fraud, fraudulent concealment(s), fraudulent transfers, trespass to chattels, unfair consumer debt collection practices, unfair competition, deceptive trade, damages

NATURE OF SUIT

(Number up to 5 boxes with the lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)

Note: Only a complaint including an objection to discharge under 11 U.S.C. § 727 will defer the clerk's entry of the debtor's discharge in bankruptcy. A complaint to determine the dischargeability of a debt under 11 U.S.C. § 523 does not affect the entry of a discharge with respect to other debts.

FRBP 7001(1) - Recovery of Money/Property

- ☒ 11 - Recovery of money/property - § 542 turnover of property
☐ 12 - Recovery of money/property - § 547 preference
☒ 13 - Recovery of money/property - § 548 fraudulent transfer
☐ 14 - Recovery of money/property - other

FRBP 7001(2) - Validity, Priority or Extent of Lien

- ☐ 21 - Validity, priority or extent of lien or other interest in property

FRBP 7001(3) - Approval of Sale of Property

- ☐ 31 - Approval of sale of property of estate and of a co-owner - § 363(h)

FRBP 7001(4) - Objection/Revocation of Discharge

- ☐ 41 - Objection/revocation of discharge - § 727(c), (d), (e)

FRBP 7001(5) - Revocation of Confirmation

- ☐ 51 - Revocation of confirmation

FRBP 7001(6) - Dischargeability

- ☐ 66 - Dischargeability - § 523(a)(1), (14), (14A) priority tax claims
☒ 62 - Dischargeability - § 523(a)(2), false pretenses, false representation, actual fraud
☐ 67 - Dischargeability - § 523(a)(4), fraud as fiduciary, embezzlement, larceny

(continued next column)

☒ Check if this case involves a substantive issue of state law☒ Check if a jury trial is demanded in complaint

FRBP 7001(6) - Dischargeability (continued)

- ☐ 61 - Dischargeability - § 523(a)(5), domestic support
☐ 68 - Dischargeability - § 523(a)(6), willful and malicious injury
☐ 63 - Dischargeability - § 523(a)(8), student loan
☐ 64 - Dischargeability - § 523(a)(15), divorce or separation obligation (other than domestic support)
☒ 65 - Dischargeability - other

FRBP 7001(7) - Injunctive Relief

- ☒ 71 - Injunctive relief - imposition of stay
☐ 72 - Injunctive relief - other

FRBP 7001(8) - Subordination of Claim or Interest

- ☒ 81 - Subordination of claim or interest

FRBP 7001(9) - Declaratory Judgment

- ☐ 91 - Declaratory judgment

FRBP 7001(10) - Determination of Removed Action

- ☐ 01 - Determination of removed claim or cause

Other

- ☐ SS-SIPA Case - 15 U.S.C. §§ 78aaa et seq.
☐ 02 - Other (e.g., other actions that would have been brought in state court if unrelated to bankruptcy case)

☐ Check if this is asserted to be a class action under FRCP 23

Demand: \$ 6 million +

Other Relief Sought: punitive and statutory damages; special damages for
 FIED AND NIED.

Exhibit B

ISSUED

Stephen D. Whittaker, AAL (SBN #2191)
73-1459 Kaloko Drive
Kailua Kona, HI 96740
Phone: 808-960-4536

2016 MAR -1 PM 3:05

Attorney for Plaintiff
Jason Hester

L. MOCK CHEW, CLERK
THIRD CIRCUIT COURT
STATE OF HAWAII

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

JASON HESTER, an individual,

Plaintiff

vs.

LEONARD G. HOROWITZ, an individual; SHERRI KANE, an individual; MEDICAL VERITAS INTERNATIONAL, INC., a California nonprofit corporation; THE ROYAL BLOODLINE OF DAVID, a Washington Corporation Sole; JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10; DOE CORPORATIONS 1-10; DOE ENTITIES 1-10 and DOE GOVERNMENTAL UNITS 1-10,

Defendants.

Civil No. 14-1-0304
(Other Civil Action)

WRIT OF EJECTMENT;

RETURN OF SERVICE ON WRIT
OF EJECTMENT

WRIT OF EJECTMENT; RETURN OF SERVICE ON WRIT OF EJECTMENT

THE STATE OF HAWAII

TO: THE DIRECTOR OF PUBLIC SAFETY OF THE STATE OF HAWAII,
HIS/HER DEPUTY, THE CHIEF OF POLICE OF THE HAWAII POLICE
DEPARTMENT, OR HIS DEPUTY, OR TO ANY POLICE OFFICER OF THE

I hereby certify that this is a full, true and correct
copy of the original on file in this office.

J. Mock Chew

Clerk, Third Circuit Court, State of Hawaii

COUNTY OF HAWAII OR PERSON AUTHORIZED BY THE LAWS OF THE
STATE OF HAWAII.

Pursuant to the Final Judgment Filed 12-30-2015
~~Order Granting In Part And Denying In Part Plaintiff's Motion For~~

~~Summary Judgment~~ filed herein, Plaintiff JASON HESTER is entitled to the issuance of a Writ of Ejectment against the above-named Defendants LEONARD G. HOROWITZ, an individual; SHERRI KANE, an individual; MEDICAL VERITAS INTERNATIONAL, INC., a California nonprofit corporation; THE ROYAL BLOODLINE OF DAVID, a Washington Corporation Sole; JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10; DOE CORPORATIONS 1-10; DOE ENTITIES 1-10 and DOE GOVERNMENTAL UNITS 1-10 for possession of the premises located at 13-3775 Pahoa Kalapana Road, Pahoa, Hawaii 96778-7924, TMK Nos. (3) 1-3-001:049 & 043.

THEREFORE, EFFECTIVE IMMEDIATELY, FROM THE ISSUANCE DATE OF THIS WRIT, YOU ARE COMMANDED TO REMOVE the said above-named Defendants LEONARD G. HOROWITZ, an individual; SHERRI KANE, an individual; MEDICAL VERITAS INTERNATIONAL, INC., a California nonprofit corporation; THE ROYAL BLOODLINE OF DAVID, a Washington Corporation Sole; JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10; DOE CORPORATIONS 1-10; DOE ENTITIES 1-10 and DOE GOVERNMENTAL UNITS 1-10 and all persons holding under or through said Defendants from the premises above-mentioned, including their personal belongings and properties, and put Plaintiff JASON HESTER, or his nominee, in full possession thereof; and make due return of this Writ with what you have done endorsed thereon.

Dated: Kealahou, Hawaii FEB 29 2016

MELVIN H. FUJINO (SEAL)

JUDGE OF THE ABOVE-ENTITLED COURT

Re: Civil No. 14-1-0304; *Jason Hester v. Leonard G. Horowitz, et al.*; Writ of Ejectment;
Return of Service on Writ

Margaret (Dunham) Wille #8522

Attorney at Law

65-1316 Lihipali Road

Kamuela, Hawaii 96743

Tel: 808-854-6931

margaretwille@mac.com

Attorney for:

Defendants/Counterclaimants

Leonard G. Horowitz, Sherri Kane and
the Royal Bloodline of David, et. al.

**IN THE CIRCUIT COURT OF THE THIRD CIRCUIT
KONA DIVISION, STATE OF HAWAII**

JASON HESTER, an individual
Plaintiff/Counterclaim Defendant
v.

LEONARD G. HOROWITZ, an
individual; SHERRI KANE, an
individual; MEDICAL VERITAS
INTERNATIONAL, INC, a
California nonprofit corporation; THE
ROYAL BLOODLINE OF DAVID, a
Washington Corporation Sole; JOHN
DOES, 1-10, JANE DOES 1-10, DOE
ENTITIES 1-10, DOE
PARTNERSHIPS 1-10, DOE
GOVERNMENTAL UNITS 1-10.

Defendants/Counterclaimants

) CIV. NO. 14-1-0304

) (Quiet Title)

)

)

) **DECLARATION OF ATTORNEY**

) **MARGARET D. WILLE**

) **FOR DEFENDANTS' EMERGENCY**

) **MOTION FOR STAY OF WRIT**

) **OF EJECTMENT**

) **[HRCP 62(b)]**

)

)

) JUDGE: Honorable Melvin H. Fujino

)

) Non-hearing motion

)

)

**DECLARATION OF ATTORNEY MARGARET D. WILLE FOR DEFENDANTS'
EMERGENCY MOTION FOR STAY OF WRIT OF EJECTMENT [HRCP 62(b)]**

I, MARGARET (DUNHAM) WILLE, under pain of perjury of law, do hereby state and declare as follows:

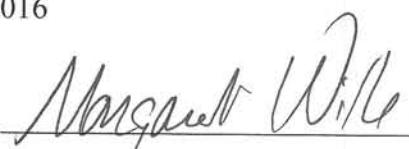
- 1) I am an individual over the age of twenty-one (21) years, a resident of the State and County of Hawai'i.
- 2) I am licensed to practice law before the Courts of Hawai'i.
- 3) As of June 29, 2015, I have been the attorney for Defendant-Appellants LEONARD G. HOROWITZ and THE ROYAL BLOODLINE OF DAVID and am representing these Defendants in the appeal of the Circuit Court's Fourth Amended Final Judgment dated June 19, 2015.
- 4) I declare that Exhibit "A" is a true and correct copy of the Notice of Bankruptcy filed in Civ. No. 14-1-0304 on March 10, 2016.
- 5) I declare that Exhibit "B" is a true and correct copy of the Writ of Ejectment posted on the subject property on or about March 12, 2016
- 6) All statements made in the accompanying Motion and Memorandum are true and correct to the best of my knowledge and belief.

FURTHER DECLARANT SAYETH NAUGHT

This Declaration is based upon my personal knowledge and I am competent to testify as to the truth of the statements contained herein.

Dated: Waimea Hawaii: March 14, 2016

Signed: _____


MARGARET (DUNHAM) WILLE
Attorney for Defendants
LEONARD G. HOROWITZ and
THE ROYAL BLOODLINE OF DAVID.

Hester. vs. Horowitz Civ. No. 05-1-0196; *Declaration of Attorney Margaret Wille For DEFENDANTS' EMERGENCY MOTION FOR STAY OF WRIT OF EJECTMENT* [HRCp 62(b)]

Margaret Wille #8522
Attorney at Law
65-1316 Lihipali Road
Kamuela, Hawaii 96743
Tel: 808-854-6931
margaretwille@mac.com

Attorney for:
Defendants/Counterclaimants
Leonard G. Horowitz, Sherri Kane, and
the Royal Bloodline of David

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT
STATE OF HAWAII

JASON HESTER, an individual	) CIV. NO. 14-1-0304
Plaintiff/Counterclaim Defendant	) (Quiet Title)
)
v.)
	) NOTICE OF NON-HEARING MOTION
LEONARD G. HOROWITZ, an	) DEFENDANTS' MOTION DEFENDANTS'
individual; SHERRI KANE, an	) EMERGENCY MOTION FOR STAY OF WRIT
individual; MEDICAL VERITAS	) OF EJECTMENT [HRCp 62(b)])
INTERNATIONAL, INC, a)
California nonprofit corporation;)
THE ROYAL BLOODLINE OF	) JUDGE: Honorable Melvin Fujino
DAVID, a Washington Corporation)
Sole; JOHN DOES, 1-10, JANE)
DOES 1-10, DOE ENTITIES 1-10,)
DOE PARTNERSHIPS 1-10, DOE)
GOVERNMENTAL UNITS 1-10.)
Defendants/Counterclaimants	

NOTICE OF NON-HEARING MOTION

TO:

STEPHEN D. WHITTAKER
Attorney at Law
73-1459 Kaloko Drive
Kailua Kona, HI 96740
808-960-4536


Attorney for Jason Hester

YOU ARE HEREBY NOTIFIED that the undersigned has filed with the above-captioned court the DEFENDANTS' EMERGENCY MOTION FOR STAY OF WRIT OF EJECTMENT [HRCP 62(b)], with associated filings.

Hawaii Rules of Circuit Courts Rule 7(b) provides that

“Any opposition to a non-hearing motion shall be filed and served no later than 10 days after the service date indicated on the certificate of service accompanying the motion or no later than 12 days after the service date if the motion is served by mail”.

DATED: Waimea, HI, 96743 March 14, 2016



MARGARET WILLE, Attorney for Defendants
LEONARD G. HOROWITZ; SHERRI KANE;
and THE ROYAL BLOODLINE OF DAVID, et. al.

Jason Hester, , Plaintiff v. Leonard G. Horowitz et al, Defendants; Civ. No. 14-1-0304 *NOTICE OF NON-HEARING EMERGENCY MOTION FOR STAY.*

Attorney for Defendants

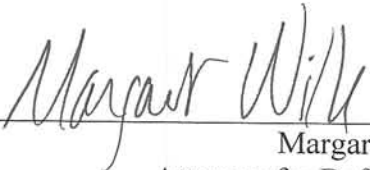
I HEREBY CERTIFY that on this 14th day of March, 2016, I served a true and correct copy of the foregoing “NON-HEARING MOTION AND DECLARATION OF ATTORNEY MARGARET D. WILLE FOR DEFENDANTS’ EMERGENCY MOTION FOR STAY OF WRIT OF EJECTMENT [HRCP 62(b)], Exhibits, Declaration of Attorney Margaret Wille”, by the method described below to:

STEPHEN D. WHITTAKER (2191)
73-1459 Kaloko Drive
Kailua Kona, HI 96740
808-960-4536

☒ U.S. Mail, Postage Prepaid

HONORABLE JUDGE MELVIN H. FUJINO
THE CIRCUIT COURT OF THE THIRD CIRCUIT
STATE OF HAWAII
79-1020 Haukapila Street
Kona, HI 96750

☒ Hand Delivery



Margaret Wille
Attorney for Defendants,
Leonard G. Horowitz, Sherri Kane and
The Royal Bloodline of David

Jason Hester vs. Leonard G. Horowitz et al, Civ. 14-1-0304; *Certificate of Service*
DEFENDANTS' EMERGENCY MOTION FOR STAY OF WRIT OF EJECTMENT,
MEMORANDUM IN SUPPORT OF DEFENDANTS' EMERGENCY MOTION FOR
STAY OF WRIT OF EJECTMENT [HRCP 62(b)], EXHIBITS, NOTICE OF NON-
HEARING MOTION, DECLARATION OF MARGARET WILLE