

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
Plaintiff,

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

CIV. NO. 14-1-0304
(Other Civil Action)

DEFENDANTS'
MOTION FOR CONTINUANCE:
MEMORANDUM IN SUPPORT OF
MOTION FOR CONTINUANCE,
EXHIBITS 1 - 5; DECLARATION OF
ATTORNEY MARGARET WILLE;
CERTIFICATE OF SERVICE

Judge: Honorable Melvin H. Fujino

Hearing date Scheduled:
May 11, 2016
Time of hearing: 8:30 a.m.
Date of Trial: none

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

2016 MAY -9 PM 3:27

FILED

MOTION FOR CONTINUANCE

COMES NOW Defendants/Counterclaimants LEONARD G. HOROWITZ and SHERRI KANE by and through their attorney MARGARET WILLE, requesting a continuance of the hearing scheduled for May 11, 2016 on Defendants' Motion for Stay Pending Appeal [HRCP 62(d)] and for the setting of Supersedeas Bond During the Period of Appeal" and the hearing on Defendants' "Emergency Motion For Stay of Writ of Ejectment [HRCP 62(b)]". In the event the hearing date on May 11, 2016 is not cancelled, this hearing should be limited to the scope of a status/scheduling

conference, including a discussion of setting time for Defendants' attorney to file, in advance of the HRCP 62(d) Motions hearing date, a Reply to Plaintiff Hester's May 2nd and May 3rd 2016 filed Responses.

This motion is made pursuant to Rule 7 of the Hawaii Rules of Civil Procedure and Rule 7 of the Hawaii Rules of the Circuit Court, the accompanying memorandum, and the record in this case.

Dated: Waimea Hawaii: MAY 9, 2016

Signed: ____/s/ Margaret Wille_____

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

Hester vs. Horowitz et.al Civ. 14-1-0304, *Motion for Continuance*

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,
Plaintiff/Counterclaimant-Defendant
v.

LEONARD G. HOROWITZ, et al.

Defendants/Counterclaimants

) CIV. NO. 14-1-0304
) (Quiet Title)
)
) MEMORANDUM IN SUPPORT OF
) MOTION FOR CONTINUANCE
)
)
)
)
) JUDGE: Honorable Melvin H. Fujino
)
) Hearing scheduled: May 11, 2016
) Trial date: None
)

MEMORANDUM IN SUPPORT OF MOTION FOR CONTINUANCE

The automatic stay triggered by the filing of bankruptcy by Leonard Horowitz, BK 16-000239, and the related Adversarial Proceeding initiated by Leonard Horowitz and Sherri Kane, BK 16-90015, remains in force pending final determinations regarding the stay on appeal to the Bankruptcy Appellate Panel.

BACKGROUND STATUS OF CASE:

Hawaii Rule of Civil Procedure Rule 62(d) Stay Request: Previously Defendants Horowitz and Kane have not sought a Stay pursuant to Rule 62(d)(stay pending appeal), hence that is not a repeat vexatious motion.

1. Royal Bloodline of David (RBOD) Status: There exists no bar to appealing this case on behalf of RBOD based on seeking reversal of this Court's refusal to vacate that default. The Rule 62(d) stay request is made in light of the appeal, ICA 16-0000163.

2. Sherri Kane Status: Sherri Kane is a party to the Adversarial Proceeding in the Bankruptcy Court, BK 16-900239, hence her request for this stay along with that of the other parties, is appropriate.

3. Plaintiff's Request for Finality: All parties want finality in this matter, however Defendants believe there has been no justice, and the pursuit of a just outcome is what this continued litigation is all about.

4. Rationale for Motion for Emergency Stay of Writ of Ejectment Despite Automatic Stay Pursuant to Bankruptcy Filings: Because actions were being taken by representatives of the opposing party, this motion was appropriate. It was following receipt of the Notice of the Bankruptcy Filing and Notice of the Automatic Stay, that a representative of the opposing party (not the Sheriff) taped a Writ of Ejectment on the gate of the subject property. Subsequent thereto attorney Paul Sulla was making arrangements with the Sheriff to carryout the ejectment. Thereafter attorney Paul Sulla argued that since this ejectment was almost or "virtually" accomplished it really should be allowed regardless of the bankruptcy filings.

5. Motion for Stay Pending Appeal and Setting of Supersedeas Bond: Once there is finality in the federal court regarding the issue of relief from the automatic stay, this Court can set a date and time for hearing on that motion. [Defendants' attorney's only request is that the rescheduled date not conflict with a date when the Hawaii County Council is scheduled to meet.]

DISCUSSION:

On April 18, 2016, Bankruptcy Plaintiff Leonard Horowitz filed a Notice of Appeal and Statement of Election from the Bankruptcy Court's April 12, 2016 "Order Granting Relief From Stay". (**Exhibit 1**) The Bankruptcy Appellate Panel has yet to rule on Horowitz's appeal of the Order granting the requested relief from the automatic stay.

To explain: At the April 10, 2016 hearing in BK 16-00239, the Bankruptcy Court granted Bankruptcy Defendants' Motion for Relief From Automatic Stay, explaining that a federal court does not have authority to act as an appellate court to a state court judgment (the "Rooker-Feldman" doctrine), and that in effect that is what continuing the federal automatic stay would accomplish. The Bankruptcy Court, however, denied Bankruptcy Defendants' request to waive the stay holdover period (which holdover period continues the stay for 14 days after the Court grants relief from a stay, allowing time for the Bankruptcy Plaintiff to opt to appeal the Order granting relief from stay). The Court's Order was filed on April 12, 2016.¹ Six days later, on April 18, 2016, Plaintiff Horowitz did timely appeal the Court's April 12, 2016 Order granting the motion for relief from the automatic stay, thereby preserving the stay unless and until the Bankruptcy Appellate Panel rules on the appeal. **(Exhibit 1)**

Likewise, in the related Bankruptcy Court "Adversarial Proceeding" (BK 16-90015), the Court on the same jurisdictional basis denied Plaintiffs' Motion for Injunctive Relief and Extended Stay, again deferring to the State Court on the matters under appeal and whether to grant a stay.² The Court Order granting Bankruptcy Defendants' motion was entered on May 3, 2016. **(Exhibit 2)** Both Leonard Horowitz and Sherri Kane are Plaintiff parties in the adversarial proceeding. Horowitz and Kane intend to timely appeal this adverse Order and expect to do so on or before May 10, 2016.

For these reasons, the federal automatic stay is still in effect and any action or proceeding in Civ. 14-1-0304 is barred – unless and until the BAP rules on Bankruptcy Plaintiffs' appeals. In

¹ Federal Rule of Bankruptcy Procedure 4001(a)(3) provides "Stay of Order. An order granting a motion for relief from an automatic stay made in accordance with Rule 4001(a)(1) is stayed until the expiration of 14 days after the entry of the order unless the Court orders otherwise."

² Hence the standing federal court ruling did not address whether or not a stay should or should not be granted pending appeal, but rather deferred that and any related determination to the State Court.

other words, pending finality in the appeals related to a stay in the two federal bankruptcy proceedings, this Circuit Court is bound to respect the continuing automatic stay.³

If and when the automatic stay is no longer in place, these proceedings and a hearing date can be set for Defendants' pending Rule 62(d) Motion in the instant case.⁴ For this reason at this time Defendants' attorney is unable to submit a Reply to Plaintiff Hester's Memoranda in Opposition filed on May 2, 2016 and on May 3, 2016. Once there is finality on the issue of the stay in the federal proceedings, Defendants' attorney should therefore be afforded opportunity to file a Reply to Plaintiff Hester's Memorandum in Opposition to Defendants' Rule 62(d) Motion prior to the hearing on that Motion.⁵

Recently in *Mauna Kea Anaina Hou et al vs BLNR*, 136 Haw. 376, 363 P. 3d 224, 237 (December 2, 2015), the Hawaii Supreme Court made clear that while a matter is pending on appeal, the governing entity (in that case, the Board of Land and Natural Resources) is not at liberty to allow the currently prevailing party to act as if the decision being appealed were final. As the court explained "Such a procedure lacked both the reality and the appearance of justice." The Mauna Kea Court goes on to point out that:

In the administration of justice by a court of law, no principle is better recognized as absolutely essential than that every case, be it criminal or civil, and the parties involved therein are entitled to the cold neutrality of an impartial judge. (citations and quotation marks omitted)

³ Based on Ninth and Seventh Circuit case precedent, there is a reasonable likelihood Horowitz and Kane's appeals related to the federal stay will be successful. See e.g. *Kougasian v TMSL* 359 F. 3d 1136 (9th Cir. 2004); *Noel v Hall* 341 F.3d 1148 (9th Cir. 2003) (Rooker-Feldman Doctrine does not apply when there is an independent claim such as when the opposing party corrupted the state court proceeding to obtain a favorable judgment.)

⁴ Likewise as soon as the automatic stay in Bankruptcy Court is over, the Circuit Court's Findings of Fact and Conclusions of Law will be due in the appeal of this case, ICA 16-0000163 (Preparation of said Findings of Fact and Conclusions of Law document appears to be something the Circuit Court is however wishing to avoid having to prepare and submit.)

⁵ In light of the lack of finality in the federal proceedings related to the automatic stay, Plaintiff Hester's May 2, 2016 and May 3, 2016 filings were technically in violation of the pending automatic stay.

This means that the manner in which the justice system operates must be fair and must appear fair. *Id.* at 27.

Were this Court to proceed at this time without finality regarding the Bankruptcy Plaintiff's appeals to continue the automatic stay, it would be taking the same course of action that the *Mauna Kea* Court pointed out would be unjust in light of pending appellate action.

As Defendants Horowitz and Kane have repeatedly pointed out, this case and the related foreclosure action, Civ. 05-1-0196 reek of injustice and the appearance of injustice. From the beginning when Plaintiff Hester's predecessor in interest, Cecil Loran Lee, sought to circumvent the U.S. Government's lien on the subject property for drug trafficking by seeking to sell the property to Civ. 05-1-0196 Intervenor Philip Maise (which action Maise exposed and was successful in his suit for fraud against Lee), and then Lee swindled Horowitz and his non-profit Royal Bloodline of David (RBOD) by selling the property to RBOD despite Maise's lien on the property, and then Lee brought a foreclosure action based on bogus grounds of failure to maintain insurance, failure to obtain advance approval for improvements despite RBOD and Horowitz's timely mortgage payments, and an alleged conspiracy with Maise so that payments due to Lee were paid to Maise - which was instead done due to a garnishment order against Lee. (The foreclosure action was prevented by this Court's denying foreclosure on the subject property) . . . Those misdeeds were then followed by substitution of Hester for Lee based on a false claim of being Lee's nephew and based on an assignment of Lee's interest in the subject property and mortgage using altered documents by way of an ecclesiastical non-profit that did not yet exist at the time of the assignment. . . . and on and on it goes. (Yet months before that Attorney Sulla, was announcing to the probate court in the matter of the Estate of Cecil Loran Lee, 3LP09-1-000166, that Lee has no more assets. **(Exhibit 3)**

Despite protestations to the contrary, this quiet title action is all part of the same hoax. Once Attorney Sulla entered the picture representing Hester (wherein Hester appears to be no more than a convenient shill for Sulla who obtained a security interest in the property from Hester) this Court appears to be blind to the on-going sham, and in that way is enabling the opposing party's scheme to defraud Defendants.

Specific to the instant case, this quiet title action was brought to enforce a non-judicial foreclosure action pursued despite Plaintiff Hester not having prevailed in the prior filed judicial foreclosure case involving the same mortgage and same property and same series of transactions between the same parties or their privies, the still pending Civ. No. 05-1-0196 (on appeal as ICA 16-0000162). Further the non-judicial foreclosure case was replete with missteps including failure to provide statutory notice of the remaining amount in default, and then misrepresenting the amount of Hester's bid at the non-judicial auction in the foreclosure affidavit. AND, all the while Hester has never been accountable to the Court by way of any affidavit or testimony.

In essence this quiet title action came to a dead halt once RBOD was deemed in default (and the Court refused to vacate that default). There was then no independent assessment of Plaintiff's claims and evidence.⁶

Now the shenanigans with the Writ of Ejectment: Based on Sherriff Kenneth Kauwe representations, contrary to the opposing party's statements, the Writ of Ejectment was not delivered to the Sherriff first but was instead independently served and taped to the gate to the subject premises on March 12, 2016. Hence service of this Writ followed receipt of the Notice of Horowitz's bankruptcy filing and imposition of the automatic stay, and without consultation and coordination with the Sherriff's office.

It also appears that the Clerk of the Court in consultation with either Attorney Whittaker or Paul Sulla, advised it was legally unnecessary to inform opposing counsel of the Writ – even if doing so is customary, which approach coincides with the delay in posting issuance of the Writ to Ho'ohiki until after the Notice of the Bankruptcy filing and automatic stay was received on March 11, 2016. Sheriff Kauwe also pointed out it was wrong for the Writ to be served directly rather than by contacting him and allowing him, as the Sheriff, to contact the occupants of the property and make arrangements for their removal from the premises. Moreover, according to

⁶ No wonder this Court might be reluctant to file a Findings of Fact and Conclusions of Law, as it would simply be a recitation of Plaintiff's pleadings lacking any hard look or meaningful consideration of the gaps, misstatements, and inconsistencies in Plaintiff's case made throughout the course of the two lawsuits.

Sherriff Kauwe the only attorney with whom he had contact thereafter was attorney Sulla, despite Sulla having been disqualified from this case.

It further appears it was attorney Sulla (or someone else?) who altered the previously submitted writ, with a handwritten alteration and no initials or signature of who did this. **(Exhibit 4)** That was then followed by a second or replacement Writ personally signed by Judge Fujino and the alteration to the typed Writ handwritten by Judge Fujino and initialed by him. (This second “replacement” Writ having the same time and date stamp). **(Exhibits 5)**

My point is this case smacks of injustice or at least the appearance of injustice....and likely will remain as such unless and until Hester and Sulla are held to account for the above discussed actions.

CONCLUSION:

For the above reasons Defendants’ request a continuance on the above scheduled hearing until such time as there is finality in the federal court proceedings (BK 16-000239, BK-Adversary Proceeding: 16-90015 regarding the bankruptcy court automatic stay.

Dated: Waimea Hawaii: May 9, 2016 Signed: ___/s/ Margaret Wille_____

MARGARET (DUNHAM) WILLE
Attorney for Defendants
LEONARD G. HOROWITZ and
SHERRI KANE

Hester vs Horowitz and Kane Civ. No. 14-1-00304; *Memorandum in Support of Motion for Continuance.*

Date Signed:
April 15, 2016



SO ORDERED.

Robert J. Faris
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF HAWAII**

Debtor(s): **Leonard George Horowitz**

Chapter 13 Case No. **16-00239**

Related Docket No.: 16-90015

☐ Unopposed - No Hearing ☒ Hearing held: April 12, 2016

Presiding Judge: Robert J. Faris

ORDER GRANTING RELIEF FROM STAY

☐ Amended Order

☒ Automatic Stay

☐ Codebtor Stay

☐ Automatic and Codebtor Stays

Moving Party:

Jason Hester

Subject property or other matter (address or legal description of property; title of action, etc.):

13-775 Pahoia Kalapana Road, Pahoia, Hawaii 96778-7924, TMK Nos. (3) 1-3-001:049 & 043

Upon consideration of the above-identified motion and supporting documents, due notice having been given, and there being no timely opposition filed or for the reasons stated on the record at the hearing:

1. The motion is GRANTED;

2. The stay under 11 U.S.C. § 362(a) and/or § 1201(a) or § 1301(a) is terminated or modified and the moving party, its successors, transferees, and assigns, may exercise any rights and remedies under applicable nonbankruptcy law with respect to the subject property or other matter described above;

Exhibit "1"

3. No deficiency judgment or other money judgment may be entered against the debtor unless and until the bankruptcy court enters an order (i) denying the debtor a discharge, (ii) determining that the debt owed to the moving party is not dischargeable, (iii) dismissing the case prior to the entry of a discharge, or (iv) expressly authorizing the entry of such a judgment;

4. If the subject property is sold and the proceeds exceed the amount of the secured claim(s), the moving party must turn over the surplus proceeds to the trustee;

5. The secured portion of any proof of claim filed by the moving party with respect to the subject property is deemed withdrawn and the moving party may seek collection of any unsecured deficiency amount only by filing a proof of claim under 11 U.S.C. § 501, or by amending a previously filed proof of claim;

6. This order will remain effective despite the conversion of the case to one under another chapter;

7. This order is limited to granting relief from the automatic stay and/or the codebtor stay under the Bankruptcy Code and does not determine any issues concerning any rights, claims, remedies, or defenses of the moving party, the debtor, or any other party; and

8. In a chapter 13 case, as soon as practicable after the trustee receives notice of this order, the trustee shall cease making distributions on all claims secured by the property described above except for funds then being held by trustee for distribution.

ADDITIONAL PROVISIONS - APPLICABLE ONLY IF CHECKED:

As explicitly requested in the motion, and based on an adequate factual and legal basis for extraordinary relief,

☐ The 14-day stay provided under Fed. R. Bankr. P. 4001(a)(3) does not apply.

☐ This order provides "in rem" relief, i.e. this order is binding with respect to the subject property for 240 days after the date of entry of this order in any other bankruptcy case that has been or may be filed.

☐ This relief applies retroactively to: _____

☐ This relief will become effective on: _____

☐ A deficiency judgment may be entered against the chapter 13 codebtor without further order of the court.

END OF ORDER

This order submitted by:

Paul J. Sulla, Jr. (SBN #5398)
Attorney At Law
P.O. Box 5258
Hilo, HI 96720
ph. (808) 933-3600
e-mail: psulla@aloha.net
Attorney for Jason Hester

Information to identify the case:Debtor(s) Leonard George Horowitz**United States Bankruptcy Court
District of Hawaii**Parties Leonard G. Horowitz, et al.

Plaintiff(s)

v.

Paul J. Sulla Jr., et al.

Defendant(s)

Bankruptcy Case number: **16-00239**Chapter: **13**Adversary Proceeding No: **16-90015****NOTICE OF ENTRY OF ORDER OR JUDGMENT**

NOTICE IS GIVEN THAT:

The court entered the following order or judgment on the date below,

Order Denying Motion For Preliminary Injunction and Extended Stay (Related Doc # 5) Date of Entry: 5/3/2016. (LL)

The order or judgment may be viewed at the Clerk's Office. It may also be viewed online using PACER, the federal judiciary's electronic records system. Information about obtaining and using a PACER account is available at the court website, www.hib.uscourts.gov.

Date: May 3, 2016

Michael B. Dowling
Clerk

Clerk's Office:
1132 Bishop Street, Suite 250
Honolulu, Hawaii 96813
(808) 522-8100
www.hib.uscourts.gov

Date Signed:
May 3, 2016



SO ORDERED.

A handwritten signature in black ink, appearing to read "R. Faris", is written over a horizontal line.

Robert J. Faris
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF HAWAII

In re

LEONARD GEORGE
HOROWITZ,

Debtor.

Case No. 16-00239
Chapter 13

LEONARD G. HOROWITZ and
SHERRI KANE,

Plaintiffs,

Adv. Pro. No. 16-90015

Re: Dkt. No. 5

vs.

PAUL J. SULLA, et al.,

Defendants.

ORDER DENYING MOTION FOR
PRELIMINARY INJUNCTION AND EXTENDED STAY

Plaintiff's Motion for Preliminary Injunction and Extended Stay for
Violations of 11 U.S.C. § 362 By Defendants in Adversarial Proceeding¹

¹ Dkt. # 5.

Exhibit "2"

16-90015 HOROWITZ prelim injunction.wpd

(“Motion”) was heard on April 29, 2016. After I announced a tentative ruling, the plaintiffs submitted additional written materials,² and the plaintiffs and counsel for the defendants presented oral argument. The plaintiffs submitted additional materials after the hearing.³

Having considered all of the materials and the oral arguments, and for the reasons stated in my oral tentative ruling at the hearing,

IT IS HEREBY ORDERED that the plaintiffs’ Motion is DENIED.

END OF ORDER

² Dkt. # 35.

³ Dkt. # 38.



Hawai'i State Judiciary Ho'ohiki

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Court Minutes Text

Case Title: THE ESTATE OF CECIL LORAN LEE

3LP09-1-000166

Div.: 3CK4 CV DATE: 12-11-2009

Time: 0107P

Priority: 0

Judge I.D.: JESTRANC

Video No.:

Audio No.:

Minutes..

BY SULA - STATEMENT REGARDING ASSETS KNOWN TO HIM THAT CECIL LEE DOESN'T OWN ANYMORE; DUE TO FORECLOSURE, NO JUDGMENT CAN BE ENFORCED AND MR. LEE IS CERTAINLY OUT OF IT.

**BY COURT - INASMUCH AS NO PARTY APPEARED IN THIS CASE, COURT DENIES PETITION FOR SPECIAL ADMINISTRATOR AND COURT WILL ISSUE ORDER.

More Minutes
Text

Next Court
Date

Court Minutes
List

Case Info.

Exhibit "3"

3LP09-1-000166

1 HRG 3CK4 CV

Calendar Date 12-11-2009

Phase

Description Disposition

PETITION FOR APPOINTMENT DND

Case Title: THE ESTATE OF CECIL LORAN LEE

Div.: 3CK4 CV DATE: 12-11-2009 Time: 0107P Video No.: Minutes:=====

TIME: 1:07 PM

.
STMT BY MR. SULA; SPECIAL APPEARANCE.
BY COURT - NOTES NO OTHER PARTY IN THE
COURTROOM IN THIS CASE.

.
3 CALLS MADE AT 1:11 - NO RESPONSE.

.
BY COURT - BACKGROUND REGARDING SPECIAL ADMINISTRATOR AND THAT COURT DECLINED APPOINTMENT AS SPECIAL
ADMINISTRATION IN PRIOR HEARING.

Case Title: THE ESTATE OF CECIL LORAN LEE

Div.: 3CK4 CV DATE: 12-11-2009 Time: 0107P Video No.: Minutes:=====

TIME: 1:07 PM

.
STMT BY MR. SULA; SPECIAL APPEARANCE.
BY COURT - NOTES NO OTHER PARTY IN THE
COURTROOM IN THIS CASE.

.
3 CALLS MADE AT 1:11 - NO RESPONSE.

.
BY COURT - BACKGROUND REGARDING SPECIAL ADMINISTRATOR AND THAT COURT DECLINED APPOINTMENT AS SPECIAL
ADMINISTRATION IN PRIOR HEARING.

Case Title: THE ESTATE OF CECIL LORAN LEE

Div.: 3CK4 CV DATE: 12-11-2009 Time: 0107P Video No.:

Minutes:.

Priority: 0 Audio No.:

BY SULA - STATEMENT REGARDING ASSETS KNOWN TO
HIM THAT CECIL LEE DOESN'T OWN ANYMORE; DUE TO FORECLOSURE, NO JUDGMENT CAN BE ENFORCED AND MR. LEE IS
CERTAINLY OUT OF IT.

.
**BY COURT - INASMUCH AS NO PARTY APPEARED IN
THIS CASE, COURT DENIES PETITION FOR SPECIAL ADMINISTRATOR AND COURT WILL ISSUE ORDER.

ISSUED

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

2006 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**

Exhibit "4"

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

L. 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

ISSUED

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

Attorney for Plaintiff
Jason Hester

2016 MAR -1 PM 11 06

zhc
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
ENTITITES 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

Exhibit "5"

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

Pursuant to the Final Judgment filed 12-30-21 ⁵ ~~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 2-29-16

mm
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

**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	)	CERTIFICATE OF SERVICE for
individual; SHERRI KANE, an	)	DEFENDANTS' MOTION FOR
individual; MEDICAL VERITAS	)	CONTINUANCE; EXHIBITS 1 - 5;
INTERNATIONAL, INC, a	)	DECLARATION OF ATTORNEY
California nonprofit corporation;	)	MARGARET WILLE; CERTIFICATE
THE ROYAL BLOODLINE OF	)	OF SERVICE
DAVID, a Washington Corporation)	
Sole; JOHN DOES, 1-10, JANE	)	Judge: Honorable Melvin H. Fujino
DOES 1-10, DOE ENTITIES 1-10,)	
DOE PARTNERSHIPS 1-10, DOE	)	Hearing date Scheduled:
GOVERNMENTAL UNITS 1-10.	)	May 11, 2016
Defendants	)	Time of hearing: 8:30 a.m.
	)	Date of Trial: none

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of May, 2016, I served a true and correct copy of the foregoing "DEFENDANTS' MOTION FOR CONTINUANCE" by the

method described below to:

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

☒ U.S. Mail, Postage Prepaid
AND BY EMAIL (without original
signatures)

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

☒ Hand Delivery

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

Hester vs. Horowitz et al Civ. No. 14-1-0304; *Certificate of Service For Defendants'*
Motion for Continuance, Exhibits 1 thru 5; Declaration of Attorney Margaret Wille