

**DEPRIVATION OF LEONARD G. HOROWITZ and SHERRI KANE'S
DUE PROCESS AND PROPERTY RIGHTS IN HAWAII CIV. NO. 14-1-0304
BY PAUL J. SULLA, JR., STEPHEN D. WHITTAKER, and
JUDGE MELVIN H. FUJINO
ACTING IN CONSPIRACY UNDER COLOR OF LAW,
IN *CONTEMPT OF COURT AND FRAUD UPON THE COURT*,
FOR CONVERSION OF REAL PROPERTY.**

The following Table compares two versions of a “Writ of Ejectment,” one original (Exhibit 1) time-stamped by the Clerk of the Third Circuit Court of Hawaii, Mock Chew, on “2016 MAR-1 PM 4: 05,” but later altered/corrected by Paul J. Sulla, Jr. (on-or-after March 5, 2016, before its “service” a week later on March 12, 2016). The second Writ (Exhibit 2) shows additional alterations/corrections signed by Judge Melvin H. Fujino, is purported to be the “original” Writ on file in the Court, but it cannot be since: (1) both versions are stamped at the same time; and (2) Writ 1 is marked “full, true and correct copy of the original on file” with the Court. The contempt of court by Sulla and the Court is proven by this evidence most reasonably explained as a conspiracy to conceal real party in interest Sulla, to grant disqualified attorney Sulla the Subject Property valued in excess of \$1M to unjustly enrich these Court officers, and conceal Sulla’s defiance of his disqualification in this case. This Table also provides a *timeline* of the events and details the fraud upon the court by the complicit parties.

<u>WRIT OF EJECTMENT 1</u>		<u>WRIT OF EJECTMENT 2</u>	
<u>DATE</u>	<u>FACTS</u>	<u>DATE</u>	<u>FACTS</u>
Feb. 29, 2016	Court stamps Judge Fujino’s name on Writ 1 filed March 1, 2016.	March 1, 2016	Writ 2 non-existent.
March 1, 2016	Writ 1 stamped and filed by Clerk Mock Chew. Stamp issued “2016 MAR-1 PM 4: 05”. The Court and co-counsel Whittaker and Sulla fail to serve notice of the Writ’s issuance to Defendants or their counsel, and the Court fails to post the filing on Hoohiki’ Record (before March 11, 2016).	March 5, 2016	Writ non-existent.
March 5, 2016	Attorney Stephen D. Whittaker, Sulla’s co-counsel, conveys Writ 1 to attorney Sulla for service (according to Sulla’s federal pleadings served on parties on April 15, 2016) knowing Sulla was disqualified from the case.	March 11, 2016	Writ non-existent.
March 11, 2016	Court posts Writ 1 filing on Hoohiki Record--delayed to prejudice Defendants’ timely appeal; and delayed to correspond with contemporaneous service of Writ 1 by Sulla the next day--March 12, 2016.		

EVIDENCE TAMPERING TIMELINE (Continued)

WRIT OF EJECTMENT 1

<u>DATE</u>	<u>FACTS</u>
March 12, 2016	Sulla receives Notice of Bankruptcy and automatic stay filing by Horowitz on or before morning; and that night Sulla posts Writ 1 on the Property's front gate (in violation of the auto stay), albeit altering the first sentence to correct "Final Judgment Filed 12-20-2015" without initialing the alteration so as not to identify himself (to conceal his defiance in contempt of disqualification Order and real party in interest.
March 13, 2016	Defense attorney Margaret Wille writes letter to Judge Fujino objecting to due process and RCCH Rule 24 violations, among other rules/laws.
March 14, 2016	Horowitz and Kane meet with Sheriff who has no knowledge of the Writ and has not yet been contacted by Sulla; Attorney Wille files letter of complaint with the Court and emergency stay motion.
March 15, 2016	Whittaker, Sulla and Fujino receive Wille's notice of due process violation(s) concerning Writ 1, compelling the court officers to conspire to replace Writ 1 with Writ 2 to conceal Sulla's defiance of disqualification, contempt, and ethical violations.
March 18, 2016	Sulla files in bankruptcy court to relieve automatic stay; declares that a team of 15 people have been scheduled to execute the Writ of which the Sheriff knew nothing on this date.
March 21-23, 2016	Sulla contacts, and contracts with, Sheriff to execute Writ of Ejectment in further violation of automatic stay and in further contempt of court disqualification.

WRIT OF EJECTMENT 2

<u>DATE</u>	<u>FACTS</u>
March 12, 2016	Writ non-existent.
March 13, 2016	Writ non-existent.
March 14, 2016	Writ non-existent.
March 15, 2016	Writ non-existent.
(On or about) March 15-18, 2016	Sulla and Fujino conspire to manufacture Writ 2 to conceal Sulla's service of the Writ 1 in contempt; and replace the Clerk certified Writ 1 (corrected by Sulla) with Writ 2 corrected and signed by Fujino, evidencing two different certified original Writs--one stamped by the Clerk, the other signed by the Judge; both inexplicably issued at the same time.
March 21 thru April 26, 2016	Writ 2 remains unknown to Wille and clients until Sulla declared (in federal pleading received by Horowitz and Kane on April 22, 2016) that Whittaker sent Sulla Writ 1 to serve after March 5, 2016; raising questions of Sulla's defiance of disqualification, fraudulent concealments, real party in interest, and due process violations. On 4/26 Wille obtained a copy of Writ 2 directly from the Court, evidencing inexplicable time stamping and differing hand-written corrections of the two Writs, both purporting to be copies of the same certified true original. Evidence proves Sulla's defiance of disqualification, contempt, and ethical violations. (<i>In re Coordinated Pretrial Proceedings, Etc.</i> , 658 F. 2d 1355 - Court of Appeals, 9th Circuit 1981."

PRIMA FACIE EVIDENCE TAMPERING TIMELINE (Continued)

WRIT OF EJECTMENT 1

WRIT OF EJECTMENT 2

DATE

FACTS

April 28, 2016

Writ 1 is compared for the first time with Writ 2; showing the following material differences:

- 1) Darker font indicates closer proximity to original.
- 2) Original is confirmed by Clerk stamped certification at the bottom of page 1, stating "I hereby certify that this is a full, true and correct copy of the original on file in this office."
- 3) Handwriting correction on page 2 appears to be Sulla's, but is not initialed.
- 4) The stamped date at the top of page 1, shows "2016 MAR-1 PM 4: 05", not signed by the Court Clerk L. Mock Chew, compared with Writ 2 that is signed by Chew but not certified.
- 5) Writ 1 served by Sulla on March 12, 2016, bears the Judge's stamp, "MELVIN H. FUJINO."

DATE

FACTS

April 28, 2016

Writ 2 is compared for the first time with Writ 1; showing the following material differences:

- 1) Much lighter and smaller font indicates copy of copy.
- 2) Copy of Original is confirmed by: (a) *lacking* Clerk stamped certification at the bottom of page 1, and different handwriting on page 2 compared to Writ 1.
- 3) Handwriting correction on page 2 is purportedly Judge Fujinos, and is initialed as such.
- 4) The stamped date at the top of page 1, shows the same precise "2016 MAR-1 PM 4: 05", including the obscured number "4". It appears to be a signed copy of the original, signed by Chew on the cover page, and by Judge Fujino on page 2.
- 5) Writ 2 not served by Sulla on March 12, 2016, bears the Judge's handwritten signature

CONCLUSION: The facts indicate Writ 2, claimed by the Court to be the original Writ on file, cannot be the original Writ of file, because it is substantially different from the certified true original certified by the Court on March 1, 2016. There is no reasonable justification for their being two different "originals" on file bearing two different signatures and handwriting, both purporting to have been issued at the same time by the same Court. Occam's Razor analysis would conclude Writ 2 was manufactured to conceal real party in interest Sulla's defiance of his disqualification, contempt of court, and ethical rules; and Judge Fujino's complicity in Sulla's conspiracy to deprive Horowitz and Kane of their rights to due process and real Property.

ISSUED

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

2016 MAR -1 PM 4:05

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 1. Served by Sulla, March
12, 2016, 11 days after issuance,
to delay/deny timely appeal.**

**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

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