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A Law Corporation

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

LEONARD G. HOROWITZ, an)
Individual; SHERRI KANE, an)
Individual)

Plaintiffs,)

vs.)

PAUL J. SULLA, JR., an individual;)
PAUL J. SULLA JR., ATTORNEY AT)
LAW A LAW CORPORATION, a)
corporation; THE ECLECTIC)
CENTER OF UNIVERSAL)
FLOWING LIGHT-PAULO)
ROBERTOSILVA E SOUZA, a)
Hawaii corporation sole; JASON)
HESTER, an individual; THE OFFICE)
OF THE OVERSEER, A)
CORPORATE SOLE AND ITS)
SUCCESSOR, OVER AND FOR THE)
POPULAR ASSEMBLY OF)
REVITALIZE, A GOSPEL OF)
BELIEVERS; ALMA C. OTT, an)
individual; MOTHER EARTH)
MINERALS, a Utah online health)
products company, d.b.a.,)
MEMINERALS.com; and DOES 1)
through 50, inclusive,)

Defendants.)
_____)

CIVIL NO.: CV15-00186 JMS-BMK

**MEMORANDUM IN SUPPORT OF
DEFENDANTS PAUL J. SULLA, JR.
and PAUL J. SULLA JR., ATTORNEY
AT LAW A LAW CORPORATION'S
MOTION TO DISMISS "VERIFIED
COMPLAINT FOR DEPRIVATION
OF RIGHTS AND INJUNCTIVE
RELIEF" FILED MAY 19, 2015
[CM/ECF Doc. No. 1]**

0304, where an Order granting Summary Judgment on the Quiet Title and Tenancy by Sufferance claims against the present Plaintiffs was granted and a writ of possession is currently pending service to evict Plaintiffs from their current residence.² The present Complaint herein appears to be an attempt by Plaintiffs to have the U.S. District Court supplant its judgement for that of the Hawaii Circuit Court for the Third Circuit, which is disallowed under the Rooker-Feldman Doctrine³ as discussed more fully below.

Plaintiffs believe that somehow the relatively simple underlying state court eviction and foreclosure matter *Hester v. Horowitz et al.*, Case No. 14-1-0304 ties into their many colorful conspiracy theories against the government and pharmaceutical companies and therefore their federal claims are appropriate. However, Plaintiffs are tragically mistaken. There has been no finding of fraud or illegality in the foreclosure and subsequent quiet title and eviction actions by the state court and thus Plaintiffs' Complaint, which relies on its conclusory allegation of fraud and illegality in the foreclosure sale of the Subject Property, is fundamentally and incurably flawed. To the extent that Plaintiffs allege unrelated illegality by the Moving Defendants, Plaintiffs are likewise mistaken as to both the facts and the law.⁴

There exist numerous state and federal cases where Plaintiff Horowitz, most often appearing pro se, files meritless claims or counterclaims which are ultimately dismissed.

² The current status of *Hester v. Horowitz et al.*, Case No. 14-1-0304 is not in dispute. Plaintiffs admit on page 5, paragraph 6 and Ex. "E" of their Memorandum in Support of Request for Leave to Serve by Publication [ECF Doc. #4-1] filed on June 1, 2015 herein the current status and claims of the parallel State Court action.

³ See *Rooker v. Fidelity Trust Co.*, 263 U.S. 413(1923) and *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983). The Rooker-Feldman Doctrine holds that lower United States federal courts—i.e., federal courts other than the Supreme Court—should not sit in direct review of state court decisions unless Congress has specifically authorized such relief. In short, federal courts below the Supreme Court must not become a court of appeals for state court decisions. The state court plaintiff has to find a state court remedy, or obtain relief from the U.S. Supreme Court.

⁴ E.g. While not at all relevant to the case, Plaintiffs allege unlawful church activities by the Moving Defendants, referring to a religion that the U.S. Supreme Court has already evaluated and found to be protected under the U.S. Constitution in *Church of the Holy Light of the Queen v. Mukasey*, 615 F. Supp. 2d 1210 (D. Ore. 2009), "guided by the unanimous decision of the United States Supreme Court in *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418 (2006)(holding that the federal government could not ban the Daime tea when used for religious purposes).