

LEONARD G. HOROWITZ
 and SHERRI KANE, pro se
 5348 Vegas Drive, Suite 353
 Las Vegas, NV 89108
 Tel: 310-877-3002;
 Email: Editor@MedicalVeritas.org

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

JASON HESTER, an individual, his
 successors and assigns,
 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
 PARTNERSHIPS 1-10; DOE
 CORPORATIONS 1-10; DOE
 ENTITITES 1-10 and DOE
 GOVERNMENTAL UNITS 1-10,
 Defendants.

CIV. NO. 14-1-0304
 (Quiet Title/Summary Possession)

**NOTICE OF SUBMISSION OF ORDER
 SETTING ASIDE: (1) THE ICA-
 VACATED SUMMARY JUDGMENT; (2)
 ERRONEOUS GRANT OF WRIT OF
 EJECTMENT; AND (3) QUIET TITLE
 TO PLAINTIFF JASON HESTER; AND
 ORDER GRANTING DEFENDANTS'
 REPOSSESSION BY WRIT OF
 EJECTMENT [HRCP Rule 1, 7(b) and
 RCCH 7.2(b)]; EXHIBITS "A" and "B";
 CERTIFICATE OF SERVICE**

Hearing: September 25, 2020
 Time: 8:00 am
 Judge: Honorable Wendy DeWeese
 Trial Date: No trial date set

**NOTICE OF SUBMISSION OF ORDER SETTING ASIDE: (1) THE ICA-VACATED
 SUMMARY JUDGMENT; (2) ERRONEOUS GRANT OF WRIT OF EJECTMENT;
 AND (3) QUIET TITLE TO PLAINTIFF JASON HESTER; AND ORDER GRANTING
 DEFENDANTS' REPOSSESSION BY WRIT OF EJECTMENT**

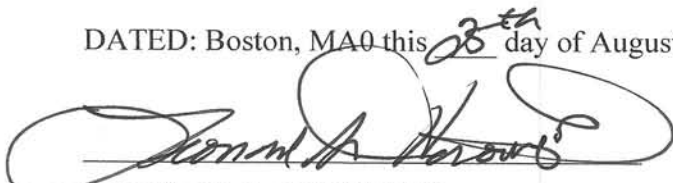
TO:

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

YOU ARE HEREBY NOTIFIED that the undersigned has prepared and submitted to the Court herein the attached proposed ORDER SETTING ASIDE THE: (1) ICA-VACATED SUMMARY JUDGMENT; (2) ERRONEOUS GRANT OF WRIT OF EJECTMENT; AND (3) QUIET TITLE TO PLAINTIFF JASON HESTER, in addition to an ORDER GRANTING DEFENDANTS' REPOSSESSION BY WRIT OF EJECTMENT [HRCP Rule 56(c); Rule 1, 7(b) and RCCH 7.2(b)], attached hereto as Exhibits "A" and "B".

Pursuant to the Hawaii Rules of Civil Procedure, Rule 56(c), any opposition to this counter-motion shall be filed and served no later than 3 days before the hearing date indicated on the certificate of service accompanying the motion. Within this time you must mail or deliver to the Court a statement of your objections thereto and the reasons therefore, if any, or a draft of the Order you propose as a substitute for the aforementioned proposed Orders attached hereto as Exhibits "A" and "B" including the proposed Writ of Ejectment.

DATED: Boston, MA⁰ this 28th day of August 2020


LEONARD G. HOROWITZ, pro se


SHERRI KANE, pro se

LEONARD G. HOROWITZ
 and SHERRI KANE, pro se
 5348 Vegas Drive, Suite 353
 Las Vegas, NV 89108
 Tel: 310-877-3002;
 Email: Editor@MedicalVeritas.org

**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: Quiet Title/Summary
v.	)	Possession; Counterclaim RICO)

LEONARD G. HOROWITZ, an	)	PROPOSED ORDER SETTING ASIDE
Individual; SHERRI KANE, an Individual;	)	THE: (1) ICA-VACATED SUMMARY
MEDICAL VERITAS	)	JUDGMENT OF MAY 27, 2015; (2)
INTERNATIONAL, INC. a California	)	ERRONEOUSLY GRANTED WRIT OF
non-profit corporation; THE ROYAL	)	EJECTMENT; AND (3) QUIET TITLE
BLOODLINE OF DAVID, a Washington	)	TO PLAINTIFF JASON HESTER
Corp. Sole; and DOES 1 through 50,)	
Inclusive)	
Defendants /Counter Claimants)	

EXHIBIT "A"

PROPOSED ORDER SETTING ASIDE THE: (1) ICA-VACATED SUMMARY JUDGMENT OF MAY 27, 2015; (2) ERRONEOUSLY GRANTED WRIT OF EJECTMENT; AND (3) QUIET TITLE TO PLAINTIFF JASON HESTER

This Court, having received and considered the Intermediate Court of Appeals for the State of Hawaii (“ICA”) MEMORANDUM OPINION filed on May 2, 2019 and affirmed by JUDGMENT ON APPEAL on July 22, 2019 that vacates this Court’s ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT filed May 27, 2015, and the December 30, 2015 ‘Final Judgment’ solely as it pertains to the May 27, 2015 ‘Order,’ does hereby set aside said rulings.

The vacated ‘Summary Judgment’ paragraphs relevant to this corrective Order state in pertinent parts:

- “1. Plaintiff Jason Hester’s ‘Motion for Summary Judgment’ filed March 9, 2015, is granted in part and denied in part.
2. Plaintiff’s request that the Court find (a) Defendants are occupying Plaintiff’s property as Tenants at Sufferance, and (b) that, as such Plaintiff is entitled to a Writ of Ejectment, is GRANTED . . .
3. Plaintiff’s request to quiet title in his name is GRANTED. H.R.S. Section 669-1, et. seq.”

Accordingly, this Court, having considered the motion, the appellate court’s MEMORANDUM OPINION of May 2, 2019, the Plaintiff’s responsive opposition, and the record and file herein; good cause appearing therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

Defendants’ “COUNTER-MOTION TO SET ASIDE: (1) THE ICA-VACATED SUMMARY JUDGMENT; (2) ERRONEOUSLY GRANTED WRIT OF EJECTMENT; AND (3) QUIET TITLE TO PLAINTIFF JASON HESTER” filed July 29, 2019 is GRANTED.

Dated: _____, Hawaii on _____, 2019

JUDGE OF THE CIRCUIT COURT

LEONARD G. HOROWITZ
and SHERRI KANE, pro se
5348 Vegas Drive, Suite 353
Las Vegas, NV 89108
Tel: 310-877-3002;
Email: Editor@MedicalVeritas.org

**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
non-profit corporation; THE ROYAL
BLOODLINE OF DAVID, a Washington
Corp. Sole; and DOES 1 through 50,
Inclusive

Defendants /Counter Claimants

CIV. NO. 14-1-0304
(Quiet Title/Summary Possession)

**PROPOSED ORDER GRANTING
DEFENDANTS' REPOSSESSION BY
WRIT OF EJECTMENT; WRIT OF
EJECTMENT**

EXHIBIT "B"

**PROPOSED ORDER GRANTING DEFENDANTS'
REPOSSESSION BY WRIT OF EJECTMENT**

This Court, having received and considered the Intermediate Court of Appeals for the State of Hawaii ("ICA") MEMORANDUM OPINION filed on May 2, 2019 and affirmed by JUDGMENT ON APPEAL on July 22, 2019 that vacates this Court's ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT filed May 27, 2015, and the December 30, 2015 'Final Judgment' solely as it pertains to the May 27, 2015 'Order,' does hereby set aside said rulings, including the Writ of Ejectment issued March 1, 2016, and grant the Defendants' relief by repossession of the subject Property by Writ of Ejectment.

This Court, having considered Defendants' motion and memorandum in support, the appellate court's MEMORANDUM OPINION of May 2, 2019, the Plaintiff's responsive opposition, and the record and file herein; good cause appearing therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

Defendants' "WRIT OF EJECTMENT" is hereby GRANTED.

Dated: _____, Hawaii on _____, 2020

JUDGE OF THE CIRCUIT COURT

LEONARD G. HOROWITZ
 and SHERRI KANE, pro se
 5348 Vegas Drive, Suite 353
 Las Vegas, NV 89108
 Tel: 310-877-3002;
 Email: Editor@MedicalVeritas.org

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

JASON HESTER, an individual	)	CIV. NO. 14-1-0304
Plaintiff,	)	(Quiet Title/Summary Possession)
)	
v.)	
)	
LEONARD G. HOROWITZ, an	)	WRIT OF EJECTMENT:
Individual; SHERRI KANE, an Individual;)	
MEDICAL VERITAS	)	RETURN OF SERVICE
INTERNATIONAL, INC. a California	)	ON WRIT OF EJECTMENT
non-profit corporation; THE ROYAL)	
BLOODLINE OF DAVID, a Washington)	
Corp. Sole; and DOES 1 through 50,)	
Inclusive)	
)	
Defendants /Counter Claimants)	
)	
)	
)	
)	
)	
)	
)	
)	

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 OR SHERIFF OF THE COUNTY OF HAWAII, OR PERSON AUTHORIZED BY THE LAWS OF THE STATE OF HAWAII TO SERVE THIS EJECTMENT ORDER.

Pursuant to the ORDER SETTING ASIDE THE: (1) ICA-VACATED SUMMARY JUDGMENT OF MAY 27, 2015; (2) ERRONEOUSLY GRANTED WRIT OF EJECTMENT; AND (3) QUIET TITLE TO PLAINTIFF JASON HESTER, the Court hereby Orders DEFENDANTS' REPOSSESSION BY WRIT OF EJECTMENT filed by this Third Circuit Court of the State of Hawaii on _____, Defendants LEONARD G. HOROWITZ and SHERRI KANE are ruled by the Court to be entitled to this issuance of said Writ against Plaintiff JASON HESTER and/or JASON HESTER's successors-in-interest, and/or others associated with JASON HESTER including, but not limited to, PAUL J. SULLA, JR., MARC SHACKMAN, HALAI HEIGHTS, LLC, and/or JOHN DOES 1-10, for possession of the premises located at 13-3775 Pahoia Kalapana Road, Pahoia, 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 persons, JASON HESTER, AND JASON HESTER'S PRIVIES, INCLUDING BUT NOT LIMITED TO PAUL J. SULLA, JR., MARC SHACKMAN, HALAI HEIGHTS, LLC, JOHN DOES 1-10, and all persons holding under or through said persons, from the premises above mentioned, including their personal belongings and properties, and put Defendants LEONARD G. HOROWITZ and SHERRI KANE, or their nominees, in full possession thereof; and make due return of this Writ with what you have done endorsed thereon.

Dated: Kealakekua, Hawaii _____

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

LEONARD G. HOROWITZ
 and SHERRI KANE, pro se
 5348 Vegas Drive, Suite 353
 Las Vegas, NV 89108
 Tel: 310-877-3002;
 Email: Editor@MedicalVeritas.org

**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)

CERTIFICATE OF SERVICE FOR
 NOTICE OF HEARING MOTION
[HRCP 62(b)]

Hearing: September 25, 2020
 Time: 8:00 am
 Judge: Honorable Wendy DeWeese
 Trial Date: No trial date set

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ___th day of August, 2020, I served a true and correct copy of the foregoing MOTION and MEMORANDUM TO SET ASIDE THE: (1) ICA-VACATED SUMMARY JUDGMENT; (2) ERRONEOUSLY GRANTED WRIT OF EJECTMENT; AND (3) QUIET TITLE TO JASON HESTER; in addition to ORDER GRANTING DEFENDANTS' their proposed WRIT OF EJECTMENT, with proposed Orders, Exhibits "A" and "B," and Proposed Writ of Ejectment, by the method described below to:

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

___X___ U.S. Mail, Postage Prepaid