

EXHIBIT "A"

Personal and Professional Resume of Gary Victor Dubin

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ATTORNEY

Gary Dubin is admitted and licensed to practice law in the State and Federal Courts in Hawaii and California, and admitted at the Permanent Court of Arbitration at the Hague, and has been a Member of the United States Supreme Court Bar since 1973.

Mr. Dubin's practice began with the prestigious law firm of Covington & Burling in Washington, D.C. as a summer associate; before moving his practice to Hawaii in 1982, Mr. Dubin traveled between coasts weekly for nearly a decade, serving clients in California and the Eastern United States.

Mr. Dubin has directed major litigation involving shareholder derivative actions, lender liability real estate disputes, trade secret matters, trusts and estates administration, and in bankruptcy proceeding; he has practiced before the U.S. Supreme Court, New York and New Jersey state and federal courts, and courts in California, Tennessee and Hawaii; he has also managed multi-million dollar land tracts for clients.

Mr. Dubin has managed several multi-million dollar corporations as well, serving as Chief Executive Officer and Board Chairman of public and private corporations for many years; he has also served as Executor and as Trustee to several multi-million dollar estates and trusts.

On behalf of clients, Mr. Dubin has worked closely with Congressmen and Senators, the Renegotiation Board, the GAO, the Economic Development Administration, the Small Business Administration, the U.S. Department of Justice, and other state and federal government agencies.

Mr. Dubin has also practiced in the fields of foreclosure defense, bankruptcy, entertainment law, appellate practice, and corporate reorganizations. His clients have included leading business men and women, attorneys, judges, accountants, developers, and media celebrities nationally.

LAW PROFESSOR

Gary Dubin joined the Stanford Law Faculty as a Teaching Fellow in 1963, teaching Legal Analysis, Legal Research and Writing, and Contracts; while at the University of California, Berkeley, from 1964 to 1966, he taught seminars on the Sociology of Law.

Mr. Dubin was appointed to the University of Denver Law Faculty in 1966, where he taught Decision Process, Criminal Law, Remedies, Jurisprudence, and Legal History, and headed its Criminal Justice Research Center.

Mr. Dubin left Denver in 1969 to accept a faculty-level research and teaching position at the Harvard Law School.

Since 1967, Mr. Dubin has lectured and taught seminars at the RAND Corporation in Santa Monica, the Harvard Law School, the Justice Department in Washington, D.C., the University of Texas Law School, the UCLA Institute of Government and Public Affairs, the University of Southern California School of Public Administration, the California Council on Criminal Justice, and the National Advisory Commission on Criminal Justice Standards and Goals in Washington, D.C., and private seminars on Law and Social Change.

Mr. Dubin has authored numerous professional articles and books and special reports, published by New York University, Stanford University, the University of Denver, UCLA, the RAND Corporation, and the United States Department of Justice, and hosts a national radio talk show on KHVH-AM and on iHeart Radio across the Internet every Sunday called "The Foreclosure Hour."

Mr. Dubin during his career as a law teacher developed many new pioneering concepts for teaching rule making and legal analysis as the authoritative management of multi-disciplinary uncertainty.

RESEARCHER

Gary Dubin began his extensive early research career as a Russell Sage Foundation Fellow at the Law and Society Center at Berkeley in 1964, where he studied social science research methodology in relation to legal analysis and participated in the research activities of the Center until 1966.

From 1968-1969, he was the Director of the Criminal Justice Program at the University of Denver; in 1969 he joined the Harvard Law School Criminal Justice Center as a Russell Sage Foundation Fellow, and in 1970 became a Resident Consultant at the RAND Corporation “think tank” in Santa Monica, developing computerized decision theory for several urban social problem management projects.

In 1970, Mr. Dubin was honored with appointment to the National Institute of Law Enforcement and Criminal Justice within the U.S. Dept. of Justice (LEAA) as its first Visiting Fellow with a government research grant to continue his work in criminal justice research.

In 1971, Mr. Dubin was appointed the Executive Director of the Southern California Criminal Justice Research Center, and developed a knowledge support system and research programs for local criminal justice agencies. Mr. Dubin also served as the Chief Consultant from 1971-1972 to the Alameda Regional Criminal Justice Planning Board, supervising its research projects.

From 1972-1973, Mr. Dubin was Principal Consultant to the Courts Task Force of the President's National Advisory Commission on Criminal Justice Standards and Goals and developed the central administrative theme for the President and his Commission's Report on the Courts.

BUSINESSMAN

Gary Dubin has been in corporate management since he was 19 years old when he started his first corporation manufacturing and distributing educational tape recordings nationwide, one of the first such nationwide companies, while he was a student at U.S.C.

In addition to managing his own corporations, including a chemical company and a leading boat manufacturer, Mr. Dubin has performed key management roles for companies owned or controlled by clients at their request, including manufacturing companies, a golf course, a newspaper, and real estate investment companies, and holds personally several United States chemical patents.

As Chief Executive Officer, Board Chairman, and a Director of both public and privately held corporations, Mr. Dubin has had extensive experience in virtually every aspect of corporate management, including financial, personnel, production, preparation of SEC documents and filings, and was a founding member of the National Association of Corporate Directors.

Mr. Dubin has also had extensive business training and experience in the entertainment industry in virtually all phases of motion picture management and financing and was Chief Executive Officer of his own film production company for several years while residing in California.

Mr. Dubin since 1972 has specialized in all aspects of mortgage lending, having successfully refinanced hundreds of millions of dollars in client mortgages throughout the United States, while successfully protecting hundreds of millions of dollars of borrowers' equity, and having prevailed in more than a dozen appellate cases since 1997 which overhauled Hawaii lending guidelines and practices, starting his own mortgage company in 2007, as its President and CEO.

EDUCATION

Gary Dubin graduated first in his class at Los Angeles High School in 1956; he received his A.B. degree, summa cum laude, from the University of Southern California in 1960, graduating first in his class, majoring in Political Science and Soviet Studies, Phi Beta Kappa, a student senator and fraternity president and was awarded the University's highest graduating honor for scholarship, athletics, and community service, the Order of the Palm.

Mr. Dubin attended New York University Law School as a National Root-Tilden Scholar, receiving a J.D. degree, cum laude, in 1963 as Law Review Executive Editor and Member, Order of Coif.

In 1963-1964, Mr. Dubin engaged in post-graduate studies in law and social science research and language analysis at Stanford University, and from 1964-1966 he was a resident at the Law and Society Center at the University of California, Berkeley, as a Russell Sage Foundation Scholar doing post-doctoral work in legal theory, decision making, and the sociology of law.

In 1969-1970, Mr. Dubin was honored with appointment to the Harvard Law School as a Russell Sage Foundation Fellow at the Harvard Criminal Justice Center, doing postgraduate work and lecturing at Harvard Law School in jurisprudence and decision theory.

Mr. Dubin has served his country in the United States Air Force, received an honorable discharge in 1962, and has held top secret government security clearance in conjunction with work on numerous national security projects.

THE SUPREME COURT OF CALIFORNIA
AND
THE STATE BAR OF CALIFORNIA
RECOGNIZE

Gary Victor Dubin

FOR FIFTY YEARS OF SERVICE AS A MEMBER OF
THE STATE BAR OF CALIFORNIA
2014

Tani G. Cantil-Sakauye

TANI G. CANTIL-SAKAUYE
CHIEF JUSTICE OF CALIFORNIA



Luis J. Rodriguez

LUIS J. RODRIGUEZ
PRESIDENT
THE STATE BAR OF CALIFORNIA

EXHIBIT "B"

GARY DUBIN AND HIS TEAM ARE MY HEROES

“When I was diagnosed with advanced stage cancer, I wasn’t able to work to pay my mortgage. I tried to do the right thing and sell my house, but just before closing, my big mainland mortgage company added on more than \$140,000 in unfair fees and penalties, making the house impossible to sell.

My buyers were angry, I was sick and almost out of money, and the mortgage company was foreclosing, which would mean losing the life savings I had invested in my house. I honestly didn’t know what to do.

Gary Dubin and his team took my case, fearlessly fought one of the largest mortgage companies in the country, and won. This stopped the foreclosure proceedings and saved the beautiful old house I love so much and had spent years restoring. It was the most incredible thing I have ever seen. Gary Dubin and his team are my heroes.”

– M. M., Nuuanu, Hawaii

THE BEST LAWYER SPECIALIST IN FORECLOSURE

“Mr. Gary Dubin is the best lawyer specialist in foreclosure in the State of Hawaii. Don’t lose your money and your precious time. The only lawyer who can save your house is Mr. Gary Dubin in Honolulu, Hawaii. He has the knowledge, experience, 24hour/7days/week availability for his clients.”

– C. B., Honolulu, Hawaii

I HIGHLY RECOMMEND THE TEAM OF DUBIN LAW OFFICES

“The tenacity of Dubin Law Offices is second to none. I highly recommend the team of Dubin Law Offices to represent your interests. They are highly professional and very proficient.”

– R. P., Makawao, Hawaii

FANTASTIC SETTLEMENT

“Mr. Dubin and staff took on my foreclosure case in Honolulu and handled it with outstanding legal expertise and come through with a fantastic settlement in my favor.”

– D.G., Waikiki, Hawaii

I LISTEN TO YOUR SHOW. IT'S GREAT

“I live in Washington State and listen to your show. It's great and has helped me to understand what's really going on.”

– A.A., Seattle, Washington

MAHALO FOR SO MUCH YOU AND YOUR TEAM DO

“Mahalo for so much you and your team does! I have forwarded your show and website to other fraud-closure fighters especially in CA and in other States.”

– R.Y., Berkeley, California

POSITIVELY THE VERY BEST IN ALL OF HAWAII

“The corruption which our home lending institutions in this country have been able to arm themselves with is criminal! The system has been manipulated over the years by the lenders themselves and have in essence written their own laws for their own benefit and to the demise on the American dream. I have myself lived through a long, drawn out foreclosure process and have now a head of grey hair to prove I have “been there”. This was some of the most humiliating and stressful times of my life where I lived in fear from day to day, answering my doorbell to large, scary looking men in black suites who would threaten me as to the consequences of my not adhering to their eviction notices, which were places publicity in the front of my home, where I had been living for some 20 years.

The primitive tactics which were used were terrifying to say the least, my wife would break down into tears as she would over hear the men at the door as they addressed me with the threats. The emotions carried down to my 6-year-old daughter. It was a horrible experience and wish it upon nobody.

As the “Man of the House”, I felt degraded and was made to feel undeserving to be living in my own home! Never a million years would I have ever dreamed of such a nightmare. I had no clue as to how this system worked when it worked when it worked against me.

I had always paid my bills on time and had a perfect credit score for my entire career. I have a college education, 46 years old at the time, self-employed for 20 plus years and consider myself to be above average in many ways. The home lending institutions we are dealing with in our country are cut throat and relentless. Before I knew it, the banks had processed a non-judicial foreclosure on my home and I was told to get out of my home immediately or even more severe consequences would occur.

Documents were then sent to my home by way of special delivery stating that I was no longer on title to my home. It showed that my lender had sold my home to another bank at a private auction, which later we found out was the same bank under a different name.

The feeling reminded me of the humility and the pain I went through as a young boy in high school. I was robbed of my lunch money at recess, had my pants torn down to my knees and was severely beaten by three boys, all twice my size, then left on the ground which a broken nose and two broken ribs, unconscious and in a puddle of blood and too scared to name the assailants. It was because I had hit this bottom that I called upon my business lawyer and friend, Sid.

Sid recommended that I contact Lawyer Gary Victor Dubin. Ever since that day, things slowly turned around for me. I consider myself to be one of the lucky ones and Gary was able to find many discrepancies in the way my loan was originally presented to me. Breaches in commission payments to various brokers during my refinancing processes and “Truth in Lending” issues were also named in my suit against CountryWide Home Loans. Only because of my Lawyer and a fair Judge and due process as it should be am I still living in my home today with a new 30-year loan modified through our battled in court with a workable outcome and an interest rate of 3%.

My advice to anybody in a situation would be to not waste any time as I had done but hire yourself a good lawyer immediately. I am in no way advertising for Gary Dubin but would have to say that he is positively the very best in all of Hawaii. If not for Gary, I do not know where I would be today. All I do know is that myself and my two girls are very thankful. We thank Gary for saving our home and my dignity.”

—A.M., Honolulu, Hawaii

A GREAT ATTORNEY

“Mr. Dubin is a wonderful caring attorney that was able to make the mortgage company admit they did wrongful acts during my lawsuit against them.

Mr. Dubin is always been agreeable to answering all of my questions and I would use him in the future. He has kept me informed in new laws and events that affect my case.”

— L. B., Hilo Hawaii

THE ONLY CHOICE FOR SOMEONE WHO NEEDS LEGAL HELP

“Gary Dubin helped us with an action against Bank of America when everyone said it was either too late or impossible to win this case against the bank. For Gary, it was neither too late or impossible as he won in our favor and helped us keep our home. Our only regret was not using Gary Dubin from the beginning, without a doubt, he is brilliant and the only choice for someone who needs legal help!”

— M. & M. A., Kula, Hawaii

OUTSTANDING ATTORNEY

“Mr. Dubin has protected my family’s \$20,000,000 in real estate assets in Honolulu since the mid-1980s. He is an outstanding attorney and leading specialist in real estate litigation nationally. I recommend him highly. He and his law firm do an outstanding job no matter how large or how small the amount at issue.”

— M. B., La Jolla, California

THANK GOD, THAT YOU ENTERED OUR LIVES!

“You have been a godsend game changer for us. We were in deep dark black hole, – which you have managed to pull us out of. I don’t know if any other attorney could have accomplished for us what you have. As I have mentioned to you many times, our case was the first lawsuit that I have been involved with personally (I hope it is the last). Knowing what I know now – I wish that I had known about you from the start – when we first got involved with the lawsuit, we would not have had this legal mess.

The prior attorneys that we hired did not do a very good job for us, but you have turned things about for us, when no one else gave us a chance.

You are like the quarterback that enters the game in the fourth quarter with our team behind 21 to nothing. It is now close to the 2-minute warning. We are behind 21 to 14 and on the opponents 10-yard line and driving for the tying touchdown. Thank God, that you entered our lives!”

— A.Y., Honolulu, Hawaii

LOVE YOUR RADIO SHOW

“I am almost every day, listen to your wonderful radio. Love the program, the work of leading, music, interesting guest. All for class!”

— A.M., Spirovo, Russia

WE WOULD HAVE LOST OUR HOUSE

“Dubin Law Offices has been there for us during a very difficult time and has been helping us negotiate multiple loan modifications. Without their support and guidance, we would have lost our house years ago. They have always been supportive of us and have had our best interest in mind. We’re very grateful that there are people like Gary Dubin and his associates.”

– M.P., Princesville, Hawaii

THE DEFEAT OF BANK OF AMERICA

“You can imagine my horror and disbelief bank in 2000 when I contacted my primary lender, Bank of America in an attempt to re-finance my property after having just reduced my debt ratio by 50% with a \$444,000 loan re-payment from the sale of my Los Angeles, CA property, only to find that its subsidiary, BAC Home Loans had DOUBLED the mortgage payment on my Hawaiian home without even informing me and based its claims on a number of fraudulent points of business including: 1. A factious Escrow Account deficit; 2. Forced Placed Hurricane Insurance (on a property that already had Hurricane Ins.) via a B of A – owned insurance provided; and 3. Constant and relentless telephone harassment as many as 3-times a day, and as early as 4:00 A.M. regarding this account. Attorney Gary Victor Dubin and his staff at Dubin Law Offices, took up the gauntlet and championed my cause with the end result being the defeat of Bank of America, BAC Home Loans, et al. in the Hilo Courts December 12th, 2015.”

– R. McC., Hilo, Hawaii

ANOTHER TERRIFIC LAWYER

“You are a magician. How many times, just with me, have you pulled a rabbit out of the hat? Granted some of your other clients may not feel as grateful as I do, but they haven’t given you as many and as challenging a cascade of opportunities for you to show your ledge domains as I have!

So much of this reminds me of why I didn’t remain a lawyer. Watching you, as I did another terrific lawyer in my late 20’s, I felt I needed to find a career that I could excel at as much and love more than just a career, just as he did and as you do now. I succeeded, but just not for as long a run as you’ve had.

When I see the one dimensionality of the NY lawyers I’ve used and their fear and timidness, besides frightening me, it makes me doubly grateful for your relentlessness and out of the box thinking, as well as the decades of experience you’ve had waging these kinds of wars. I also love, that you love the little guy against the usually corrupt system. I am hoping that I help you have new and just law in Hawaii, in the dreaded foreclosure field and that you get the deserved credit.

I know there’s no guarantees in litigation, but I would have been hung and quartered by now with any other lawyer.”

– M.F., New York, New York

THANK YOU FOR ALL YOU'RE DOING

“Thank you for all you’re doing to blaze a new trail of evolution and resolution!”

– F.M., Chicago, Illinois

THANK YOU TREMENDOUSLY FOR EVERYTHING

“Again, I thank you tremendously for everything you and your offices provided us in trying to save our home over the last 7 years. It is an absolute blessing where we are going on our new adventure.”

– L. R-S., Ewa Beach, Hawaii

YOU'VE GIVEN US THE HOPE

“We are go grateful to you and your firm for all the help you've given us the HOPE and safety that you have bestowed to us in a very very trying difficult time, it's unmeasurable.

We think of the hundreds of people you've saved from a life of ruin and we smile. You must know you are loved and your brain “admired”.

But most of all, we are grateful for your protection and humor during this long period. Thanks again for all you've done and for all you continue to do for our family.”

– D.B. & J.B., Lahaina, Hawaii

NEVER SAY DIE ATTITUDE

“I have watched you perform on both sides of litigation, you are a special litigator with a “never say die attitude”. Sometimes, I wonder if our judicial system is not tilted towards the politically connected, big money and large law firms. You help to level the playing field.”

– M.N., Honolulu, Hawaii

THANK YOU FOR WORKING MIRACLES

“Gary was personable, patient, knowledgeable, and helpful to me as his client. My foreclosure was a complete mess, the mortgage was 8 years delinquent and the commissioner (unbeknownst to me) had accepted an offer that the court confirmed, when I found Gary. So, I brought him a mess. I didn't know what to do. I didn't think it could be saved, but through Gary's creativeness and strategy (That I still don't fully understand) I was able to resolve my foreclosure status and maintain control of the property. Thank you for working miracles for me and my family! I felt as though my case was especially challenging but Gary saved it.

I searched long and hard for the right attorney to help me, without success. I was embarrassed about my situation, but am grateful that I asked around and found some friends that recommended Gary to me. I heartily recommend him to any homeowner, wishing to exercise their rights and pursue all legal remedies to keep their homes. Gary is the best! He's a Warrior with a soft spot for homeowners.”

– D.G., North Shore, Hawaii

I REALLY APPRECIATE YOUR RADIO SHOW

“I have been following your show for about the last six months. I really appreciate the information you are discussion in regards to foreclosure.”

– J.O., Olympia, Washington

THANK YOU FOR YOUR GREAT WORK ON YOUR RADIO SHOW

"Thanks for your great work on your radio show! It's great listening to your show to see how Wall St. and Washington have corrupted our judicial system."

— W.M., Honolulu, Hawaii

GARY DUBIN – THE PATRON SAINT OF DEBTORS IN POSSESSION

"I have been in the Real Estate Development & Brokerage business in Hawaii since 1971. Approximately 20 years ago, I had a client of mine in trouble with a bank that was not living up to the agreements in made with my clients. I had heard the name Gary Dubin around for defending people like mine in disputes with their banks so I asked my attorney about this and he replied "Gary Dubin, you mean the patron Saint of Debtors in Possession".

Since that time, I have used Gary and referred him to countless clients, friends and colleagues who have needed help from time to time and Mr. Dubin always comes through and meets his objectives.

I have only the highest regards for Gary and highly recommend him both as an attorney and a friend."

— W.B., Kailua, Hawaii

CONGRATULATIONS ON YOUR EXCELLENT RADIO PROGRAM

"I am writing to congratulate you on your excellent radio program and the way you presented the facts and insights. I am amazed at the level of your foreclosure insight, professionalism and the way you tackle the diverse array of issues, especially those dealing with the theft of homes by the financial mafia – "Too Big To Prosecute."

— H.A., Kissimmee, Florida

MR. DUBIN HAS A GREAT PASSION TO SAVE PEOPLE FROM FRAUD

"I am a client of the Dubin Law Offices, which I value considerably. Mr. Dubin spend quality time with me in identifying the problems I faced and the solutions to which I could choose in which to strategically first the abuse and fraud that was imposed on me through a wall street mortgage of which I had no agreement or knowledge of its working and severe shortcoming in the years, past even until now. Mr. Dubin had a great passion to save people from this kind of fraud and he got my confidence. He studies the problem, knows the courts and all the trappings of the Mortgage Industry.

I highly recommend his firm. And feel safe in choosing them. Don't do this on your own. You need a qualified firm to represent you."

— D.M., Honolulu, Hawaii

I LOVE YOUR RADIO SHOW

"I live in South Kona, Hawaii and absolutely LOVE your show and applaud what you are doing on the air to educate the world about the banks' criminal behavior!!!! It's about time!"

— K.A., Naalehu, Hawaii

GARY IS A TRUE PROFESSIONAL

“In January 2010, my wife and I met with Gary Dubin to discuss our case. My wife and I had already contacted two other attorneys to help us. The first one did not even bother to get back to us and the second took our money and disappeared later to have his license to practice suspended. We heard about Gary from a friend and decided to try again. Gary Dubin met with us and right away put our minds at rest. Gary is a true professional with a heart for his clients. Gary has helped to keep us in our home now for 7 years while still fighting out case. Thank you, Gary, and all of your staff and associates.”

– R. & M. L., Ewa Beach, Hawaii

THEY NEVER GIVE UP ON YOUR CASE

“My first appearance in Civil Court Foreclosure was of my Condo. The dreadful divorce preceded, involving five divorce lawyers to defend me from wife who left for Japan and never returned for 17 years to Hawaii. There were only credit card bills to pay. Ex-wife tried to liquidate the business I had and any hope of saving my business property. I went to Foreclosure Court Pro-se, the judge passed final judgment on the Foreclosure Case that morning.

I sought legal defense and retained Dubin Law Offices. Gary Dubin consulted me, his legal team represented me at another hearing in court for the business I have. Given time to present a case against the loan from an illegal trust who made the loan. Without Dubin Law Offices, I had less than a 17% chance to keep my business property. My case is now before the appeal court and have a good chance to win the appeal. I highly recommend Dubin Law Offices for foreclosure defense. They never give up on your case.”

– A.I., Honolulu, Hawaii

I'M SO GRATEFUL FOR YOUR REPRESENTATION

“THANK YOU!! Hardly seems powerful enough to express my IMMENSE GRADITUDE for ALL you have accomplished. I'm so grateful for your representation which is so experienced and knowledgeable in the law. It takes brilliance to wade through and correctly argue for the rule of the law.”

– B.S., Kihei, Hawaii

THANK YOU ON BEHALF OF IMIPONO FOUNDATION

“Gary, I just wanted to thank you on behalf of the ImiPono Foundation and all of the men and women that you've helped representing us, you don't realize how many people you have helped. I hope we can continue to help further. We are trying to expand our operations to help more homeless.”

– J. S., Kaneohe Hawaii

YOU HAVE OUR ETERNAL GRATITUDE

“I can't thank you enough for the burden you have taken from all our hearts. I am so very grateful that you called me. Forgive me for equating lawyers with great white sharks. Bottom line! You have our eternal gratitude.”

– G. W., Hilo, Hawaii

THANK YOU FOR WHAT YOU DO
“Love your efforts and info. Thank you for what you do.”

– G. E., Seattle, Washington

**MR. DUBIN STANDS FOR TRUTH, LIBERTY, AND THE PURSUIT OF
HAPPINESS FOR HOMEOWNERS**

“Mr. Dubin and his staff at Dubin Law Office are true American Patriots. Far too many homeowners have been laid to waste by unscrupulous institutions. Unsuspecting homeowners find themselves unwitting victims of well-oiled and finely tuned attacks leaving them financially and emotionally exhausted. Dubin Law can make sense of your situation and put it into a format the court will understand.

There are so many abuses, each more heinous than the last, that the homeowner inevitably wastes their precious two minutes of court time going off on a tangent. The homeowner thinks the court speaks English, and it sounds like English, but in fact it is a language all to itself. Emotional appeals to fairness and to justice means nothing. The well-funded institutions, literally stealing homes, know the language of court. Further, these institutions organize and educate their legal representatives to further fine tune their ability to crush their opponents. Unfortunately, their opponent is you, and your home is their prize.

Mr. Dubin goes beyond simply representing a single homeowner in court. He reaches out to educate homeowners and their attorneys. Legal concepts are making it through to some of the judges too. Listen to his efforts on the ForeclosureHour broadcasts. Mr. Dubin stands for truth, liberty, and the pursuit of happiness for homeowners. The legal system is a tool. Banks, loan servicers, and debt collectors have been using our court systems to fraudulently steal homes for too long. Join the fight and you too can be a true American patriot.”

– S.W., Kailua-Kona, Hawaii

YOU ARE AN AMAZING ADVOCATE FOR HOMEOWNERS

“You are an amazing advocate for homeowners and bucking a judicial system. Thank you from the depths of my soul for what you are doing.”

– B.T., Kihei, Hawaii

THANK YOU

“I just want to make sure you understand how your work on our behalf has made a profound difference on many people’s life. Thank for going this distance, for thinking hard about it, applying your acumen, taking your precious time to present a worthy case, for flying to the court, working on crazy deadlines, dealing with bizarre verdicts – such a stressful life.”

– L.C., Kauai, Hawaii

KEEP UP THE FIGHT!

“Congratulations! You’re awesome! Keep up the fight! This does help. Listening to your show right now on the mainland on iHeart Radio. Mahalo!”

– E.M., Litchfield Park, Arizona

THANK YOU FOR YOUR GREAT SERVICE

“Never before have I witnessed an attorney with so much heart and feeling for a client trying to save their home. In a seemingly hopeless situation, you give hope with solid law and the determination to fight a corrupt antiquated system that offers the homeowner little relief or justice. You are relentless in your pursuit to help the little guy. The world would be a better place with more attorneys like you looking out for the homeowner’s best interest and fighting big banks that perpetually perpetrate fraud on the courts and fraud on the public. Thank you for your great service. You are worth more than you charge.”

– B.T., Maui, Hawaii

THANK YOU

“Thank you for giving others and me hope to keep our homes!! My next run will be for Congress. Foreclosures will be a major issue I take on.”

– E.L., Irving, Texas

REAL MODERN DAY HERO

“All my pro se attempts to get the Courts to follow the law have been ignored! Thanks again for all you do and have been doing...you are an honest attorney and a real modern day hero in my opinion!”

– S.A., Leawood, Kansas

FOREVER GRATEFUL FOR DUBIN LAW OFFICES

“I cannot express the hole that my family was in and through Gary Dubin and his law firm, we came out of that dark hole!! His expertise is worth every penny spent! My family home was a victim of fraudulent foreclosure and I found Dubin at the right time! Our case took some time, but patience is a virtue and we won!! I love Mr. Dubin and his staff. My family will be forever grateful for Dubin Law Offices.”

– D.U., Laie, Hawaii

WE THANK GOD FOR GARY AND HIS TEAM

“Dubin Law firm has been a God send to me and my wife. We had been scammed by two other Attorneys in a battle to try to save our home from our corrupt mortgage co. who wrote us an illegal home loan. Gary and his team not only restored our faith in Attorneys they gave us peace of mind in this long fight and are still standing strong by our sides. We thank God for Gary and his team. They are truly professionals.”

– R.L., Ewa Beach, Hawaii

STATE OF THE ART

“Mahalo to you and John for another great show today! I have learned so much from your presentations and guests and remain very grateful for your continued “state of the art” representation. Thanks again for all the great work!”

– C.L., Kapolei, Hawaii

THANK YOU

“Thank you for your help and hard work, God Bless your team. With much Aloha!”

– A.T., Paia, Hawaii

WE WOULD LIKE TO EXPRESS OUR GRATITUDE

“On behalf of Imi Pono Foundation and its Founder, Mr. Jody A. Solbach, we would like to express our gratitude for your unwavering assistance in helping us in retaining these properties. Your assistance has led to altering the lives of several hundred men and women on their road to recovery; many of those would be homeless without our facilities. Thank you and much appreciation from Imi Pono Foundation and its members.”

– J.S., Kaneohe, Hawaii

CARING ATTORNEYS LIKE YOU EXIST FOR PEOPLE LIKE US

“You and your staff have worked hard over time and we appreciate everything you have done and still continue to push for a positive ending. We have read all of the similar cases that you have provided and now have a clearer understanding of what other homeowners like us have felt hopeless and worried about losing their homes. It goes to show that caring attorneys like you exist for people like us. We thank you for the bottom of our hearts for all your efforts and hard work. We look forward for the results of the coming court hearing later this month.”

– J.B. & J.B., Hilo, Hawaii

I'M LEARNING SO MUCH

“I'm learning so much from your radio show. Once again, I can't thank you enough for all your work and educating the public.”

– M.C., Kailua-Kona, Hawaii

YOU ARE AMAZING

“I really appreciate your time AND the education, you're absolutely amazing. Your team is lucky to have a vested mentor in you.”

– A.R., Waialua, Hawaii

I WON

“I fought my own appeal at the Intermediate Court, I did my own litigation, 300+ pages later, picking up everything I could find including OCC restrictions on US Bank. The appellate court ruled in my favor, just so you know that this is the conclusion and I am relieved to know that there is still justice out there and I know you are the supporter of that so I just want you to know that your initial meeting with me and you are taking the time to actually pointing out the few key information about note assignment triggered my curiosity about those legal aspects, so I did win.”

– U.S., Waialua, Hawaii

OUR DEEPEST APPRECIATION

“It is with deepest appreciation that we acknowledge how very thankful we are for you! Your brain, your Witt, your life experience (street smarts!)!!! Without you, Fred, your firm, our lives would be an entirely different story. We have one fight life, but at last, there will be others on this wheel called life! We pray for you and your happiness and continued success. This Christmas, we always think of those who have touched our lives and you are one of those special people! Thank you, thank you, thank you Gary.”

– D.B., Maui, Hawaii

THANK YOU

“Thank you for sharing your time every week to educate your audience. Your legal analysis is inspirational.”

– D.G., Chesterland, Ohio

YOU ARE A BLESSING!

“You are a blessing! I was at a point of desperation and severe depression due to the absence of hope! I believe God answered my prayers in getting in me in touch with you!”

– J.C., Kauai, Hawaii

THANK YOU FOR YOUR CONSTANT SUPPORT

“Thanks for your constant support. You and your firm are doing miracles for our homeless community dealing with drug and alcohol problems. God bless.

– J.S., Kaneohe, Hawaii

HELPING HOMEOWNERS

“I love you Gary. You deserve a special place in heaven for helping homeowners.”

– B.T., Maui, Hawaii

THANK YOU FOR ALL YOUR HARD WORK

“Just a simple thank you for all your hard work. We truly appreciate the times you would meet with us even if its last minute. You and your team are just outstanding, and we are grateful for everything you have done for us. Mahalo for your patience, understanding, and especially for giving us the opportunity to own our home again.”

– E.O. & H.O., Mililani, Hawaii

YOU ARE A GODSEND

“You are a godsend Gary. Bless you. We sleep well knowing you are at the helm.”

– A.M. Kapaau, Hawaii

HOMEOWNERS NEED A CHAMPION LIKE YOU

“I am glad I have you in my corner. Homeowners need a champion like you to fight for them, against this corrupt system. Great Job Gary!”

– A.M. Honolulu, Hawaii

THANK YOU

“Thank you, attorney. God is so good to us. God bless you more and more Godly wisdom in our favor; glory to God. I thank God also for the Judge; he is a wonderful judge. I am in tears with joy, attorney. I love you in the love for the Lord God bless you.”

– A.M. Honolulu, Hawaii

VICTORY

“Unbelievable appellate resume, you’ve prevailed using such a variety of arguments, brilliant. I love what you mentioned today on your radio show, FOLLOW THE MONEY.”

– R.L. Honolulu, Hawaii

CONGRATULATIONS TO THE FORECLOSURE HOUR

“Info To Fight Foreclosure congratulates and commends Gary Dubin for his diligent, and mostly successful, defense of homeowners and the American Justice System. We post this review of his SIXTH anniversary and highly recommend you spend a few hours listening to one of the most successful foreclosure defense attorneys in the nation!”

– infotifightforeclosure.com

ALOHA KAKOU DUBIN A MEKA WAIHE’E!

“I have great news to share with you in regards to our current foreclosure status as it relates to this show the foreclosure hour. I am an avid listener to your show the foreclosure hour. I do my best to listen attentively and also to study any avenue to benefit the favor of my mother and our house as we defend against what we believe to be a fraudulent foreclosure. Recently we’ve received record from the court, granting an order (in our favor) for reconsideration. We were in summary judgment, summary judgement was granted (in opposition to us) and all seemed lost. Through extensive work and study, we filed many different documents addressing various discrepancies that the court was willing to hear. Most all of these things were either directly or indirectly attained by means of your show the foreclosure hour. I’ll be filing an order denying summary judgment next with great confidence that it will be decreed. I do not consider this case to be over, but I do feel that the tables have been turned. There has been a lot of prayer through this time of distress, but I don’t know if we could have done any of this without the support of your show! I am beyond grateful. Mahalo Nui.”

– S.H., Honolulu, Hawaii

BRAVO!

“I would just like to commend you Mr. Gary Dubin and Mr. John Waihee for such a great show. While I plan on never having to contest foreclosure, I love the content of this show and find it all so fascinating. As 41 year old, Generation X'er, someone who grew up in the late eighties and nineties, I appreciate the topics of discussion but what makes this show great is getting a glimpse of the wealth of knowledge you both have and hearing about your past experiences. I love that you are in tune with what goes on nationally and locally and include topics that effect this industry. I have often stayed in my car after arriving at my destination on to just listen to your awesome show. I also love that I can listen to past shows on your website. I do wish the show were longer or even televised but I understand the content may not be popular enough with the general public. I just wanted to thank you for such a great show that for me is such a breath of fresh air.”

– C.K. Honolulu, Hawaii

YOU WON THE APPEAL TODAY AS PROMISED

“What a wonderful Thanksgiving gift all because of you. You are truly a ray of light from God for saving our home. There is a real story here and now we can implement the lawsuit against PennyMac and Chase for perpetrating this fraud upon us. I hope you have a wonderful Thanksgiving and know that you are loved by so many people thankful for your presence on earth.”

— B. & E. T. Maui, Hawaii

I APPRECIATE ALL YOU ARE DOING

“Thank you Sir.....I appreciate all you are doing on this case as so many others that you represent do as well. Our State Judiciary is a much better place with practicing Law and holding the "Big Boy's" accountable. You are hereby forbidden to ever retire GVD.”

— J.R. Honolulu, Hawaii

BEST ATTORNEY

“Just to let you know that I consider you the best attorney I have ever had.”

— J.V.C Maui, Hawaii

ENLIGHTENING AND REFRESHING

“For ten years, Gary Dubin in Hawaii has been practicing law defending homeowners from foreclosure. He has preached his own version of how to combat foreclosure fraud. And he has practiced what he preached. I find his work enlightening and refreshing.

His article and proposals are extremely well-written, objectively stated, reasonable and necessary. In my opinion Dubin's quest should be supported by homeowners and non-homeowners alike as it proposes to correct a deficit in our legal system, our economic system and our society. The inequality of wealth that was exacerbated by what amounts to outright theft by a handful of banks can be corrected and our economic system can be stabilized if we return to the rule of law.”

— Neil Garfield, Florida

STILL STUNNED

“Todd & I think of you so often and we constantly ponder on how in the world we can ever thank you enough! You changed our lives and we will forever be grateful.

We are on tour, working our buns off.... to restore our home to its original beauty. All thanks to you! I hope we can entertain you if you come to Kauai or our paths cross on the mainland. Sending much much love and respect.”

— T. & M. Rundgren, Kilauea, Hawaii

EXHIBIT "C"

**Electronically Filed
Supreme Court
SCAD-19-0000561
09-SEP-2020
10:35 AM**

SCAD-19-0000561

IN THE SUPREME COURT OF THE STATE OF HAWAII

OFFICE OF DISCIPLINARY COUNSEL,
Petitioner,

vs.

GARY VICTOR DUBIN,
Respondent.

ORIGINAL PROCEEDING
(ODC Case Nos. 16-O-147, 16-O-151, 16-O-213, and 16-O-326)

ORDER OF DISBARMENT

(By: Recktenwald, C.J., Nakayama, McKenna, and Wilson, JJ.,
and Intermediate Court of Appeals Associate Judge Leonard,
assigned by reason of vacancy)

Upon a thorough and careful review of the entire record in this matter, and the briefs submitted by the parties, we find and conclude, by clear and convincing evidence, that Respondent Gary V. Dubin, committed the following misconduct.

In Office of Disciplinary (ODC) Case No. 16-O-151, we find and conclude that Respondent Dubin violated Rule 8.4(c) of the Hawai'i Rules of Professional Conduct (1994) by knowingly

misrepresenting the truth on a government form on which he certified the information thereon was true.

In ODC Case No. 16-0-147, we find and conclude that Respondent Dubin violated HRPC Rule 8.4(c) (2014) by signing the names of his clients, without their permission, in the endorsement section of a \$132,000.00 settlement check made out to them alone and depositing it in his client trust account, thereby gaining control over those funds. We find he did not immediately inform the clients of the receipt of the check when he learned of it. We also find the invoice he subsequently issued to the clients on November 7, 2015 was the first billing statement or accounting since the inception of his representation of them in February 2012, wherein he asserted \$69,702.87 in fees and costs owing, based upon an hourly rate of \$385.00 an hour for associates on the case. We find and conclude that this rate was unreasonable because it exceeded by \$115.00 per hour the rate agreed upon in the retainer agreement for associates and was also applied to one associate for work done at a time when that associate was not licensed to practice law in this jurisdiction. We also find the clients were never contacted or consulted regarding an amendment of the agreed-upon rate. We find that, as a result, Dubin overcharged the clients a minimum of \$19,885.00. We conclude Respondent Dubin's conduct in this regard violated HRPC Rules 1.5(a), 1.5(b), 8.4(c) and

1.4(a) (3) (once for failing to timely inform the clients of the receipt of the check, and once by failing for more than three years to communicate with the clients regarding the status of their account) (2014).

We find and conclude that, in ODC Case No. 16-O-326, Respondent Dubin withdrew \$3,500.00 of the client's funds at a time when, based upon Respondent Dubin's own accounting, Respondent Dubin had not yet earned those funds, thereby violating HRPC Rules 1.15(a) and 1.15(d) (2014). We find and conclude he did not inform the client when he fully disbursed the client's \$45,000.00 from the firm's client trust account, thereby violating HRPC Rule 1.15(d) (2014), and he did not respond to clear inquiries from ODC regarding the matter, in violation of HRPC Rule 8.4(g) (2014).

We find that Respondent Dubin's conduct, in ODC Case Nos. 16-O-147 and 16-O-326, inflicted actual, serious, injury upon the clients and upon the profession and, in ODC Case No. 16-O-151, inflicted injury on the public at large and the integrity of the profession.

We have thoroughly reviewed the record, and Respondent Dubin's arguments, both at the Disciplinary Board and before this court, regarding alleged violations of his right to due process throughout the disciplinary process, and find them to be without merit.

We also find, in aggravation, that Respondent Dubin has two prior disciplines, evinced a dishonest or selfish motive, demonstrated a pattern of misconduct, committed multiple offenses, refused to acknowledge the wrongful nature of his conduct, and has substantial experience in the practice of law. In mitigation, the record contains many positive comments from clients, and Dubin has contributed positively to the development of the law.

We note relevant disciplinary precedent in this jurisdiction, including ODC v. Chatburn, Case No. 24777 (May 30, 2002) and ODC v. Burns, Case No. 20882 (December 17, 1999), and take into consideration *ABA Standards for Imposing Lawyer Sanctions*, Standards 4.11, 4.41, and 7.1.

Finally, we have reviewed the arguments from both parties, and related materials, regarding the July 23, 2020 motion from ODC counsel on this matter, seeking to strike the exhibits appended to Respondent Dubin's reply brief.

Hence,

IT IS HEREBY ORDERED that the motion to strike is denied.

IT IS FURTHER ORDERED that Respondent Dubin is disbarred, effective 30 days after the entry date of this order.

IT IS FURTHER ORDERED that, pursuant to Rule 2.16(d) of the Rules of the Supreme Court of the State of Hawai'i (RSCH),

within 10 days after the effective date of his disbarment, Respondent Dubin shall submit to this court proof of compliance with the requirements of RSCH Rule 2.16 regarding disbarred attorneys.

IT IS FURTHER ORDERED that Respondent Dubin shall pay \$19,885.00 in restitution to the clients named in ODC Case No. 16-O-147 and submit proof of said payment to this court, all within 30 days after the entry date of this order. The Disciplinary Board may, on behalf of the clients in ODC Case No. 16-O-147, seek further orders from this court in enforcement of this directive, pursuant to RSCH Rule 10, or by other means the Board determines are appropriate to propose.

IT IS FURTHER ORDERED that Respondent Dubin shall bear the costs of these disciplinary proceedings, upon the approval of a timely submitted verified bill of costs by ODC, pursuant to RSCH Rule 2.3(c).

DATED: Honolulu, Hawai'i, September 9, 2020.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Katherine G. Leonard



EXHIBIT "D"

**Electronically Filed
Supreme Court
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28-SEP-2020
10:45 AM**

SCAD-19-0000561

IN THE SUPREME COURT OF THE STATE OF HAWAII

OFFICE OF DISCIPLINARY COUNSEL,
Petitioner,

vs.

GARY VICTOR DUBIN,
Respondent.

ORIGINAL PROCEEDING
(ODC Case Nos. 16-O-147, 16-O-151, 16-O-213, and 16-O-326)

ORDER

(By: Recktenwald, C.J., Nakayama, McKenna, and Wilson, JJ.,
and Intermediate Court of Appeals Associate Judge Leonard,
assigned by reason of vacancy)

Upon a thorough and careful *de novo* review of the
September 21, 2020 motion for reconsideration, filed by
Respondent Gary Dubin, and a *de novo* review of the entire record
in this matter,

IT IS HEREBY ORDERED that the motion is denied, as
well as the requests for relief set forth therein, with the
exception of the effective date of Respondent Dubin's

disbarment, which is extended 31 days, to Monday, November 9, 2020. No further extensions shall be granted. Respondent Dubin shall therefore file the declaration required by Rule 2.16(d) of the Rules of the Supreme Court of the State of Hawai‘i by November 19, 2020. Finally, pursuant to this court’s September 9, 2020 order, Respondent Dubin remains obligated to pay the \$19,885.00 in restitution and to submit proof of that payment to this court by October 9, 2020.

DATED: Honolulu, Hawai‘i September 28, 2020.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Katherine G. Leonard



EXHIBIT "E"

Before the
DISCIPLINARY BOARD
of the
HAWAII SUPREME COURT

OFFICE OF THE DISCIPLINARY COUNSEL,)
Petitioner,)
vs.)
GARY V. DUBIN,)
Respondent.)

Electronically Filed
Supreme Court
SCAD-19-0000561

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16-0-213
16-0-151
16-0-147
16-0-326
DRF 96
DISCIPLINARY BOARD
OF THE
HAWAII SUPREME COURT

RECEIVED

28 December 2018
DAY MONTH YEAR
TIME: 11:30 am BY 44

TRANSCRIPT OF THE PREHEARING CONFERENCE

The above-entitled matter came on for hearing on May 15, 2017, at
the Office of Disciplinary Counsel, 201 Merchant Street, Suite 1600,
Honolulu, Hawai'i, BEFORE:

HEARING OFFICER:

Roy F. Hughes, Esq.

FOR PETITIONER OFFICE OF
DISCIPLINARY COUNSEL:

Jane S. Preece, Esq.
Assistant Disciplinary Counsel

RESPONDENT, PRO SE:

Gary Victor Dubin

ALSO PRESENT:

Barbara Gash, Investigator

Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

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Wailuku, Maui, Hawaii 96793
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1 MR. HUGHES: -- reflect the presence of the Hearings
2 Officer, myself, Roy Hughes, and the Respondent, Mr. Dubin. And
3 for the Office of Disciplinary Counsel, I understand it's Jane
4 Preece.

5 MS. PREECE: Right. P-R-E-E-C-E.

6 MR. HUGHES: Okay. Before we go any further, after my
7 appointment I reviewed a matter in my office. It's Moyle v. Y&Y
8 Hyup Shin Corp., and that's H-Y-U-P S-H-I-N Corp, which was a
9 1999 date of loss. There was a jury trial by prior counsel in
10 that case. My office participated in the appeal. A decision in
11 that case, remanding it back for trial was entered in October
12 2008, and since that time the matter has basically sat inactive.
13 However, Mr. Dubin maintains it is an active file of his, and he
14 objects to my status as the hearings officer based on that
15 apparent conflict.

16 So, that having been said, I just want to make sure
17 that the record reflects Mr. Dubin's position and Disciplinary
18 Counsel. So, I guess, we'll begin with Mr. Dubin.

19 MR. DUBIN: Yes. Thank you, Roy. I was going to bring
20 that up. The case is still open. You are opposing counsel and,
21 particularly, in that case, you know, Mr. Moyle passed away, in a
22 motorcycle accident. And we're hoping to settle that case. We
23 don't really want to get too involved in it with another trial.
24 Otherwise, we would have to use the transcripts of the past
25 trial, but that is an open case, and I have to object. Nothing

1 personal to you, that it really is improper to have a hearing
2 examiner who is still involved as opposing counsel in an open
3 case. And I think that's rather standard as far as the
4 Disciplinary Board is concerned.

5 MR. HUGHES: Ms. Preece.

6 MS. PREECE: Well, I think there should be some kind of
7 a disqualification motion. I don't think this is the proper
8 place to hear this and, obviously, we're not on notice. I would
9 think a 2008 that was remanded -- was remanded eight years ago,
10 would, by operation of law, be dismissed. I know there's rules
11 about how long you have to take it -- you know, take it to trial.
12 I don't know what they are, but -- so, yeah, I think you should
13 -- he should have to bring some kind of written motion and that
14 we should just, for the purposes of this hearing --

15 MR. HUGHES: Continue it.

16 MS. PREECE: Yeah. No, just make our orders. You
17 know, if they want to appoint somebody else, then so be it, but I
18 don't think we can just delay and delay.

19 So, we're supposed to have a prehearing conference
20 within 30 days of your appointment. So, you know, it's been
21 about 30 days now, and we have to have the hearing within seven
22 months completed, meaning all the post-hearing briefs also. So,
23 we really need to set this. And I don't see any reason why we
24 can't just go ahead and set all the dates. If Mr. Dubin wants to
25 bring a motion to disqualify you, I think he can -- I'm sure he

1 can do that.

2 MR. HUGHES: Mr. Dubin.

3 MR. DUBIN: Well, the proper procedure is to bring that
4 to the attention of the hearing examiner, and the hearing
5 examiner would make a decision. And if the hearing examiner
6 doesn't recuse himself then, of course, I would bring a motion to
7 disqualify the hearing examiner.

8 MR. HUGHES: Okay. And I understand ODC wants you to
9 bring such a motion.

10 MS. PREECE: Well, if he wants to, then he needs to get
11 it resolved, right.

12 MR. DUBIN: I don't really think, you know, a motion is
13 necessary. That's not the way it works, in court, for example.
14 You raise an issue as to recusal, and the decision maker decides,
15 and then the decision maker has to make a decision that there are
16 no grounds for recusal, then you file a motion for
17 disqualification.

18 As far as the seven months is concerned, that's clearly
19 in the rules that that can be extended by the Board Chairman.

20 So, the issue is whether or not the hearing examiner,
21 who is opposing counsel in an open case, can serve as a mutual
22 decision maker. And it seems to me -- I mean, you know, we face
23 this kind of a situation in court, for example. And, otherwise,
24 if the hearing examiner doesn't recuse himself or he is not
25 disqualified, then the -- then you're going to have a series of

1 objections, challenges, appeals, which serves nobody's interest.

2 So, it's a matter, usually, of judicial economy as well
3 as common sense. And the sole issue, really, is whether a
4 hearing examiner, who is opposing counsel in an open case, in a
5 disciplinary proceeding, can serve as the hearing examiner in a
6 case involving opposing counsel in that case.

7 MR. HUGHES: Okay. I understand what we're doing here
8 today is almost -- we're just setting dates.

9 MS. PREECE: We're just setting dates, right.

10 MR. HUGHES: There's no -- nothing else involved. I
11 also understand from -- but I may -- I fully understand there may
12 be some prejudice to ODC in not setting dates today; is that
13 right?

14 MS. PREECE: Well, there's always prejudice in delay.
15 I mean, we always want to move forward.

16 MR. HUGHES: I understand that, but is there going to
17 be substantive prejudice to the position of ODC in moving forward
18 if the hearing dates is delayed?

19 MS. PREECE: No special prejudice. I mean, we just --
20 always whenever things are delayed the memories get less clear.
21 I don't know that this has any special --

22 MR. HUGHES: Yeah. Well, and that being said, since we
23 are here today, and if there are dates set, and I think that's
24 the only thing happening, do you want to go forward with that, so
25 that there's an agreement between ODC and Respondent?

1 MR. DUBIN: I don't see how you can go forward with
2 dates until this other matter is clarified, because it would
3 involve, perhaps, another hearing examiner with different dates.
4 I think -- you know, I think you yourself recognize the necessity
5 to raise the issue. I was going to raise the issue myself. I
6 think that needs to be determined.

7 If actually, you know, we analogize to what happens in
8 court, that issue has to be decided before anything else is
9 decided. So, I mean, we could set dates, but keep in mind they
10 would be far out, because we would then have to have a date for
11 the hearing of the motion to disqualify.

12 MR. HUGHES: I understand.

13 MR. DUBIN: Yeah, and that really is prejudice to
14 Respondent, myself, as well, because I'm anxious to get this
15 matter resolved. So, this seems to me to be an -- you know, it
16 all goes to the --

17 MR. HUGHES: Well, if you want to get it resolved
18 quicker, then we should set dates, presently --

19 MS. PREECE: Right.

20 MR. HUGHES: -- with enough time to obtain the
21 appointment of --

22 MR. DUBIN: Right.

23 MR. HUGHES: -- of a hearings officer if there is a
24 disqualify --

25 MS. PREECE: Right. It might be --

1 MR. HUGHES: You need to make a disqualification
2 motion.

3 MR. DUBIN: Yeah.

4 MS. PREECE: First of all, he's had plenty of time to
5 file this motion, and you were appointed almost 30 days ago. And
6 I've never even heard of this issue. Second of all, I cannot
7 believe a case that was remanded for trial eight years ago, and
8 nothing's happened, is a live case. We call it open. I mean
9 that is never a legal definition.

10 MR. DUBIN: Correction. It's not --

11 MS. PREECE: And I believe it hasn't been dismissed,
12 but it will be.

13 MR. DUBIN: No.

14 MS. PREECE: And, third, we should set the dates and if
15 you're recused, then we -- another hearing officer may be fine
16 with those dates. So, we still have to move this forward.

17 MR. HUGHES: So, all of this having been said, and a
18 record being made, we will set dates on the understanding that
19 Mr. Dubin will be bringing a motion and the dates may be moved.

20 MR. DUBIN: Okay. Well, in that connection what I
21 would like to say is that I thank you all for the opportunity to
22 attend this pretrial -- this prehearing conference.

23 MR. HUGHES: Okay.

24 MR. DUBIN: I have been denied an opportunity to
25 discuss this matter with the Office of the Disciplinary Counsel

1 until the recommendation was made and the charges were brought.

2 I understand the purpose of the prehearing conference
3 is to establish the schedule. And keeping with that, I would
4 like to mention that the people here no very little about me, and
5 I know even less about all of you. I'm 79 years old, and I
6 practiced law for 54 years. I have never had any disciplinary
7 action taken against me on behalf of a client. I practice in a
8 high stress area of foreclosure defense. It's not like drafting
9 wills for so and so.

10 The people I deal with are under high stress. Some of
11 them are actually dishonest. Many don't understand the legal
12 system, and they blame their attorney. I have more testimonials
13 that I provided to the Office of Disciplinary Counsel than any
14 other -- positive testimonials -- than any other lawyer in the
15 state. I have won more appeals than any other lawyer in the
16 state.

17 And in this proceeding, I'm entitled to procedural due
18 process under the Federal Constitution and the State
19 Constitution. That being said, I want to recognize on the record
20 a number of due process violations that I intend to address in
21 our scheduling to provide me with an opportunity to do so.

22 The first one, of course, is that the hearing examiner
23 should be neutral and should not be an opposing attorney in a
24 case, which is open. And it's not eight years, I correct the
25 Assistant Disciplinary Counsel.

1 There's a total lack of transparency. I have no idea
2 how hearing examiners are appointed. I don't participate in the
3 process.

4 Three, there's a lack of training of hearing examiners
5 in this state. This is a very important function at a very
6 important level of the adjudication. And yet, hearing examiners
7 have no training at all.

8 Fourth, the Assistant Disciplinary Counsel had no
9 training at all. They are not even experienced in the kind of
10 practice that I participate in. They're not given adequate
11 training, and even worse, it's varied. You know, I've been in
12 this jurisdiction for 35 years. They vary from fairness to
13 extreme gotcha approach that they think their, perhaps, promotion
14 is dependent upon getting convictions and points.

15 Five, is inadequate venue. I was never provided with
16 an opportunity to discuss the facts of these cases with
17 Disciplinary Counsel. There was a disregard for my schedule.
18 There was a disregard for my court deadlines. There was a
19 disregard for my health. The issue was just solely of
20 railroading complaints against me.

21 Six, there's kind of a targeting of foreclosure defense
22 attorneys in this state. Our present Chief Disciplinary Counsel
23 and the Assistant in this case comes from California.
24 Unfortunately, in the foreclosure field there's a lot of
25 vulnerable clients and California has been noted for attorneys

1 taking advantage of them. And as a result, California, perhaps,
2 justifiably, has taken a very strong stance against foreclosure
3 defense attorneys.

4 In this state, it's the same thing. Last year, over
5 the last 12 months, there's been like six or seven disciplinary
6 actions taken against foreclosure defense attorneys. There are
7 not many -- there are not many left. It seems like the ODC's
8 definition of a defalcating attorney is a foreclosure attorney --
9 defense attorney.

10 Number seven, there's been witness intimidation. In my
11 particular case, there are other people in my office who have
12 been involved in one or more of the so-called complaints. And, I
13 know at least in one case, they have been told, well, we'll hold
14 your discipline over your head and, in fact, suggested we'll see
15 how you testify. I consider that to be witness intimidation and
16 witness tampering.

17 Number eight. I asked for a three examine -- three
18 hearing examiner panel. I thought that was my right to do so.
19 Like so many things in this proceeding, it's just ignored. Well,
20 I continue to demand a three examiner panel, because two of these
21 actions could theoretically involve disbarment or suspension, and
22 I'm entitled to three examiners even though the merits of those
23 claims are non-existent.

24 Therefore, in purposes of scheduling, I will file a
25 motion to disqualify the examiner. I will file a motion for a

1 three examiner panel. I will file a motion to dismiss for lack
2 of clear and convincing evidence based on documentary evidence.
3 I will file a motion for my fees and costs. I'm also planning to
4 seek relief in some of these cases in the Hawaii Supreme Court,
5 because I believe, based upon the outcome of my motions, that my
6 procedural due process rights have been violated. I am also
7 considering filing for relief in the Federal District Court on
8 the same grounds based upon the outcome of the motions that my
9 federal due process rights have been violated.

10 I am also going to take my case to the Bar and run for
11 Director of the Bar. And I'm going to make it my platform that
12 the Bar should no longer ignore the fact that the ODC has become
13 the enemy of the Bar. And instead of looking at cases fairly,
14 they are filled with prosecutorial abuse. We, as members of the
15 Bar, provide them with the money to conduct these operations.
16 The most important thing that they should do is carefully vet
17 complaints. Instead, by cavalierly throwing these complaints
18 into the disciplinary procedures, they're creating enormous
19 costs, and expense, and time for members of the Bar
20 unnecessarily, and this case is going to show that.

21 What is going to be on trial in this case, is not me,
22 but the Office of Disciplinary Counsel. There are four claims
23 against me. One has to do with Mr. Harvey, about having taken
24 his money and done no work. I have the bill. The bill is over,
25 I think, \$110,000, and he only paid me 45,000. For that matter,

1 he happened to file bankruptcy, or through his trusts, and that
2 matter is before the Bankruptcy Court, and my fees will be
3 resolved there, by a judge. By a judge.

4 The ICA thing is -- well, that's a very complicated
5 issue involving a real scandal in the judiciary. And if the ODC
6 wants to raise that in public, I will do so. But, meanwhile,
7 I'm going to go back to the ICA and ask them to clarify that,
8 because I provided all the explanations as to why, for example, I
9 was late on a paper that the ODC thinks is important enough to
10 have a hearing on.

11 Then the third complaint is about the DCCA, completely
12 misunderstood by the ICA -- excuse me, by the DCIA -- DCCA.
13 However, the DCCA said that there was no intent on my part to
14 sign anything. And, by the way, that issue was nine years ago.
15 I'm impressed by the Assistant Disciplinary Counsel who thinks
16 that eight years is a long time for the Moyle case to be
17 unresolved. Well, you're wrong it's not eight years. But, in
18 any event, that's nine years. And then somebody, anonymously,
19 sends a notice to them, misconstruing the case, and they file
20 charges.

21 Okay. Finally, regarding Andia (phonetic). I filed
22 the procedures for depositing a check that I initialed my -- the
23 signatures on and filed in my attorney trust account. The money
24 went nowhere. I met with Andia, and in writing he acknowledges
25 he agreed to the distribution of the monies. And then later he

1 changes his mind. And two judges, Judge Crandall and Judge
2 Chang, when the First Hawaiian Bank officers brought the case to
3 their attention, they concluded that there was nothing wrong, but
4 they gave Andia an opportunity to appear and explain. And, guess
5 what, he didn't appear in either case. Judge Crandall even sent
6 out an order to show cause to explain those charges, and he
7 didn't appear in the case. And now, to go before a hearing
8 examiner on that issue.

9 So, these four claims are ridiculous. They have no
10 basis in fact. The procedures are -- of the ODC are not
11 transparent, are improper, violate their own rules. I was never
12 given a chance to explain. And here we are, awaiting a formal
13 hearing where the Bar's money is to be spent on this hearing, and
14 I have to go and spend my time and my money. Yes, the Bar needs
15 to know, the Bar needs to know about this case. The Hawaii
16 Supreme Court needs to know about this case.

17 So, regarding the scheduling, I don't know how one can
18 schedule all of these things without first scheduling and
19 deciding the motions that I have set forth. And based upon those
20 motions, if I lose some of those motions, I'm going to go into
21 the court system to stop these procedures.

22 So, I understand that the hearing examiner, who I
23 believe has an obligation to decide the issue of recusal before
24 he takes any action because any action he takes would be actually
25 based upon a disqualified jurist in quotes, since this is an

1 administrative procedure, maybe.

2 So, I object to the setting of any trial dates or
3 pretrial dates until we get these matters clarified, but I
4 realize, like so far, I'm only a member of the Bar, and
5 apparently not entitled to any rights, and, therefore, I have
6 made my objections.

7 I want a hearing date for my motions. There are
8 several motions. I have -- in the next two months, I have 36
9 summary judgment motions in foreclosure. I have saved over 1,000
10 homes in this state. I don't want to see anybody lose their
11 home, but I would say I would need at least four weeks to file my
12 motions, then the Assistant Disciplinary Counsel could have as
13 much time as she wanted. I would need to be able to file a
14 reply, and then after that, a week or so, we can have the
15 hearing, in which case, based upon the outcome of the hearing, we
16 would be able to set some intelligent schedules.

17 And, of course, we have, according to the Bar, the
18 Office of Disciplinary Counsel Rules, we have seven months to do
19 all this. Well, this is more than enough time. My schedule is
20 relatively clear, a couple of trials. I'm on the mainland the
21 latter part of October. I could have a trip to Japan. It's not
22 likely, but I could be going to Japan for one week during June.
23 Other than that, my schedule is fairly open, and we have plenty
24 of time. With that said, I appreciate the opportunity to make my
25 statement, and I'm really thankful to have this opportunity. My

1 first opportunity to address these matters.

2 MR. HUGHES: Okay. Well, I have our -- I guess, a
3 printed out form for the scheduling of the trial and for pretrial
4 matters. So, I will follow that form. Do you want to start then
5 with page 1, trial? Shall we set the trial date?

6 MS. PREECE: Yeah.

7 MR. HUGHES: Mr. Dubin, you said you're pretty free
8 except for maybe a trip to Japan, and then you have another
9 matter when, in September?

10 MR. DUBIN: October.

11 MR. HUGHES: October.

12 MR. DUBIN: Yeah.

13 MR. HUGHES: Okay.

14 MR. DUBIN: Okay. The first line says estimated trial
15 time.

16 MR. HUGHES: Yeah.

17 MR. DUBIN: Okay. Until the motion is decided, I
18 really couldn't tell, but I would say -- to be safe, I would say
19 two weeks, 14 days.

20 MR. HUGHES: I'm reading that as ten days. Two weeks
21 is five working days.

22 MR. DUBIN: Yes.

23 MR. HUGHES: We don't do any proceedings on Saturday or
24 Sunday.

25 MR. DUBIN: That's correct.

1 MR. HUGHES: So, that's ten days.

2 MR. DUBIN: I made a mistake, ten.

3 MR. HUGHES: Ten days.

4 MR. DUBIN: Right, ten days.

5 MR. HUGHES: Any objection?

6 MS. PREECE: It wouldn't be longer, so -- at least
7 that's our estimate.

8 MR. HUGHES: Okay. So, ten days.

9 MS. PREECE: Okay.

10 MR. HUGHES: So, I'm just going to write in estimated
11 trial time total, ten days. Okay. Dates for the hearing? I'm
12 going to be out of the country in August.

13 MR. DUBIN: You'll be out of the country when?

14 MR. HUGHES: August.

15 MR. DUBIN: In August.

16 MS. PREECE: And I think we need to set the hearing in
17 September, which is two months before the seven months runs, so
18 we can do --

19 MR. HUGHES: Okay.

20 MS. PREECE: -- all the post-hearings. So, I think in
21 September would be the dates that would make sense.

22 MR. HUGHES: That's fine.

23 MR. DUBIN: I'm going to say the last two weeks in
24 September.

25 MR. HUGHES: Well, you're going to be leaving in

1 October, so --

2 MR. DUBIN: October 19th.

3 MS. PREECE: Yeah, we would be talking about September
4 --

5 MR. HUGHES: Yes.

6 MS. PREECE: -- and he said October 19th, so.

7 MR. HUGHES: No, he said he's leaving October 19th.

8 MS. PREECE: Yeah, right.

9 MR. HUGHES: So, September --

10 MS. PREECE: Is good.

11 MR. HUGHES: -- he says the last two weeks.

12 MS. PREECE: Oh, okay. That's -- the only -- we could
13 do it from the 8th -- starting on the 18th then. So, we have
14 each hearing at 9:00 a.m.

15 MR. DUBIN: Let me just check my calendar. It will
16 only take me a second. Yeah, September 18th -- let's see. I
17 just need to check my calendar. That's fine, September 18th.

18 MS. PREECE: And the only date we couldn't do it,
19 because we have board meetings on the fourth Thursday, would be
20 the 28th. So, we would have to skip that one day, but,
21 otherwise, we're clear. We could go 18, 19, 20, 21, 22, 25, 26,
22 27, 29.

23 MR. HUGHES: Okay. I think we can adjust for that.

24 MR. DUBIN: Yes, that's fine, because we're not sure of
25 the number of days anyway.

1 MR. HUGHES: Yeah.

2 MR. DUBIN: So, as the trial --

3 MR. HUGHES: Well, we have a generous number of ten.

4 MR. DUBIN: Yeah.

5 MR. HUGHES: Ten is a lot of --

6 MR. DUBIN: As the trial proceeds, we --

7 MR. HUGHES: Yes. Well, I mean, there's only -- I mean
8 there's not going to be like a jury or any of that sort of thing,
9 so.

10 MR. DUBIN: Right. And keep in mind, I might have one
11 of those days also that --

12 MR. HUGHES: Yes.

13 MR. DUBIN: -- is difficult for me, so.

14 MR. HUGHES: That can all be adjusted.

15 MS. PREECE: So, should I -- I will say that it starts
16 on September 18th, at 9:00 a.m.

17 MR. DUBIN: That's fine.

18 MS. PREECE: And continues day-to-day until completed,
19 except for September 28th.

20 MR. HUGHES: Continues for ten days, at which time will
21 be completed. So, I'm assuming that for both sides we are going
22 to shoot for a fixed time, and we have two weeks. I don't know
23 -- as we proceed along whether that -- you know, who's going to
24 need what for timing, or what witnesses are going to be called,
25 or just how that's going to proceed, but so long as we have a

1 time frame, then we can move forward.

2 MR. DUBIN: May I just add? I forgot to mention in my
3 motions, I'm also challenging having all four of these things
4 heard by the same examiner. If this were like a criminal matter,
5 you wouldn't have four different crimes heard by the same judge.
6 I don't understand -- I really do not understand that procedure, and
7 I'm also going to move to separate them into four different
8 hearings.

9 MR. HUGHES: So, you're going to move to bifurcate?

10 MR. DUBIN: To bifurcate them, because I just don't
11 understand this procedure. For example, if you are the hearing
12 examiner you should make a decision based upon the facts before
13 you in that particular matter. You shouldn't be influenced by
14 some other matter. What you hear -- to me that's just basic
15 common sense and procedural due process.

16 And, of course, I mention that because as we go along
17 that will be something else that can change over time because a
18 few of these things could be decided in one day or half a day --

19 MR. HUGHES: Right.

20 MR. DUBIN: -- and the others might take a week, so.

21 MR. HUGHES: Okay. Well, we will -- as we move along
22 and go through different prehearing conferences and tighten up
23 what this is all going to be about, I'm assuming.

24 MR. DUBIN: Correct. Now, do I have the opportunity to
25 have a transcript of this --

1 MR. HUGHES: It says here you can have a record of the
2 proceeding by either court reporter, tape recording, or other, as
3 I look at the --

4 MR. DUBIN: Well, I would like, actually, maybe a tape
5 recording of these proceedings today.

6 MR. HUGHES: I believe they are being recorded.

7 MS. PREECE: I don't know how to provide him a copy
8 though.

9 MR. HUGHES: Okay.

10 MS. PREECE: We would have to ask somebody else in the
11 office.

12 MR. DUBIN: Well, somebody would know.

13 MS. PREECE: I don't know if that could be done today,
14 but I'll --

15 MR. DUBIN: Well, it doesn't have to be done today, but
16 I mean sometime -- what I would like to -- because if something
17 comes up, this may be -- our discussion today could be relevant.

18 MR. HUGHES: Okay. And I'm not sure -- it has a box
19 here. I'm looking at number four. Record of the proceedings
20 shall be kept by a court reporter, tape recording, or other.

21 MR. DUBIN: Right.

22 MR. HUGHES: And I'm not sure who or what the
23 allocation of costs is, if one party wants a court reporter or
24 not. So, I can't --

25 MR. DUBIN: Yeah, I would want a court reporter, and I

1 would have to be advised as to who pays for that.

2 MS. PREECE: Yeah, it goes into the cost bill.

3 MR. HUGHES: Okay. So, that would be addressed at the
4 conclusion of the proceedings.

5 MS. PREECE: Well, if the proceedings -- yeah, I mean
6 he would have to pay the cost. If we lost, I suppose we would
7 pay the cost, but we have to front them, so.

8 MR. HUGHES: Okay.

9 MS. PREECE: And that would seem the way it would work.

10 MR. HUGHES: Okay. So, with that having been said, you
11 would prefer a court reporter, understanding --

12 MR. DUBIN: Yes, I do. And if I had to, I would pay
13 for it myself.

14 MR. HUGHES: Okay. Well, you might want to just share
15 it then, but I'll leave that up to the parties. Okay. Okay.
16 So, the 30 days -- so, October 30 would be the date.

17 MS. PREECE: Well, technically, the conclusion of the
18 formal hearing is after the post-hearing briefs are filed.

19 MR. HUGHES: Okay.

20 MS. PREECE: That's what that DBR 3(f) says. So, it's
21 hard -- almost impossible to predict; however, it would have to
22 be 30 days from the last -- from November 18.

23 MR. HUGHES: Well, why don't we just say from the -- 30
24 days from the last brief submitted.

25 MR. DUBIN: From the last what?

1 MR. HUGHES: Brief submitted.

2 MS. PREECE: Yeah, that's fine. The last ordered
3 briefing.

4 MR. HUGHES: Okay.

5 MR. DUBIN: I'm sorry, I still don't understand.

6 MR. HUGHES: So, the report -- my report would be due
7 30 days after the last order -- or the last briefing filed.

8 MR. DUBIN: Oh, okay. Last briefing.

9 MR. HUGHES: Filed.

10 MR. DUBIN: And that's after the hearing?

11 MR. HUGHES: Correct.

12 MR. DUBIN: Oh, okay.

13 MR. HUGHES: So, post-hearing there is a briefing
14 schedule, and so I'm assuming it would be -- you would do
15 opening, they would do responding, and then you would have an
16 opportunity to do a reply.

17 MR. DUBIN: Thank you.

18 MR. HUGHES: Am I correct?

19 MS. PREECE: Yeah. Well, what -- generally, I would
20 think we would do the briefing schedule at the conclusion of the
21 hearing --

22 MR. HUGHES: Yeah.

23 MS. PREECE: -- because we need to know when we're
24 going to have a transcript and --

25 MR. HUGHES: I understand. I'm just -- I'm just trying

1 to get some sort of a time frame --

2 MS. PREECE: Yeah, okay.

3 MR. HUGHES: -- so that we know from the date of the
4 last one -- 30 days from the last. Okay. Discipline --
5 culpability discipline.

6 MS. PREECE: It's both.

7 MR. HUGHES: Okay.

8 MR. DUBIN: We're on page 2?

9 MR. HUGHES: Yes. Pretrial -- prehearing conference.
10 That will be in person.

11 MS. PREECE: If we want to have another one, which
12 you --

13 MR. HUGHES: I'm assuming we are going to have one --

14 MS. PREECE: I would think that's a good idea.

15 MR. HUGHES: -- from Mr. Dubin's indication that he's
16 going to be submitting motions. So --

17 MS. PREECE: Of course, it doesn't say when it will be,
18 but I suppose we can do them all in person.

19 MR. DUBIN: Well, I -- after I file my motions, I would
20 be more than happy to have a status conference with Assistant
21 Disciplinary Counsel to discuss the actual evidence and merits of
22 the cases.

23 MS. PREECE: I would be happy to meet with you anytime,
24 so.

25 MR. DUBIN: I'm sorry, what?

1 MS. PREECE: I'm happy to meet with you anytime, but --

2 MR. DUBIN: Yeah.

3 MS. PREECE: -- that's not the prehearing conference.

4 MR. DUBIN: Well, let me file the motions, and then we
5 can meet and sort it out. You may want to drop one or two. We
6 may want to be able to clarify issues, and then we would have a
7 much shorter hearing.

8 MS. PREECE: Sure.

9 MR. DUBIN: Okay.

10 MR. HUGHES: Okay. So, a prehearing conference will be
11 scheduled, I'm assuming, counsel?

12 MS. PREECE: Yeah. Do we say to be scheduled in
13 person?

14 MR. HUGHES: Yes.

15 MS. PREECE: I don't think we need to pick a date now.

16 MR. HUGHES: I'm just going to put date deferred.
17 Exhibits. What is the exhibit and witness list for the hearings?
18 Do you want to do those simultaneously? Simultaneous
19 disclosures?

20 MS. PREECE: We could do that, or we could do ours
21 first, so that we don't have duplicate exhibits?

22 MR. HUGHES: No, I meant, ODC is going to go first.

23 MS. PREECE: Right.

24 MR. HUGHES: And I'm assuming you want to disclose your
25 exhibits and witnesses at the same time.

1 MS. PREECE: Right.

2 MR. HUGHES: So, simultaneous on those two things.

3 MS. PREECE: Yes. Okay. Yes.

4 MR. HUGHES: But as far as the Respondent exhibits and
5 Respondent's witness list, I'm sure you would want to look to see
6 what you're having, and then have how many days, Mr. Dubin?
7 After they submit, how many days do you want?

8 MR. DUBIN: After they submit their witness list and
9 their exhibits?

10 MR. HUGHES: And the exhibits.

11 MR. DUBIN: I don't know -- you see, I think we can --
12 we can reduce the number of issues, so --

13 MR. HUGHES: Well, I'm sure if you confer with
14 counsel --

15 MR. DUBIN: I mean, my preference is that we hold a
16 pretrial conference later on to set the -- intelligibly to set
17 these dates. I mean, we can do anything we want now, but it
18 would be --

19 MR. HUGHES: Well, I think if we have a structure, then
20 we have something to work from.

21 MR. DUBIN: May I suggest that we set a pretrial
22 conference to set these deadlines sometime a month or more before
23 the hearing, which would be a more intelligent way to proceed?

24 MR. HUGHES: Well, I want to set dates at the present
25 time. They can always be moved by the agreement of counsel, or

1 if you need to come see me again about those dates, that's fine
2 too.

3 MR. DUBIN: Well --

4 MR. HUGHES: But that we have a frame work.

5 MR. DUBIN: Right.

6 MR. HUGHES: I want to have a frame work.

7 MR. DUBIN: Well, what I would like -- not knowing
8 exactly what's going on, I would like two weeks to review their
9 exhibit list --

10 MR. HUGHES: Okay.

11 MR. DUBIN: -- and the witness list, in order -- if I
12 understand you correctly -- in order to provide my objections.

13 That would seem fair to me.

14 MR. HUGHES: Okay. I'm going to -- and I'm also going
15 to require that you provide me with the exhibits that you wish to
16 use and identify the witnesses.

17 MR. DUBIN: At the --

18 MR. HUGHES: This is all subject to amendment. You can
19 amend those exhibit lists. You can amend --

20 MR. DUBIN: And would I do that at the same time?

21 MR. HUGHES: You're going to do that -- I'm looking at
22 ten days after the submission of the ODC.

23 MR. DUBIN: Right. Okay. Ten days after submission I
24 present my exhibit list, that's fine.

25 MR. HUGHES: Right.

1 MR. DUBIN: And my witnesses?

2 MR. HUGHES: Yes.

3 MR. DUBIN: All right. And then when are objections
4 submitted and heard?

5 MR. HUGHES: Well, all you have to do is notify the
6 office -- the ODC office, and we will set up a hearing date on
7 the objections.

8 MR. DUBIN: Okay. That's fine.

9 MR. HUGHES: Okay?

10 MR. DUBIN: Yeah, that's good.

11 MR. HUGHES: So, what date do you want to submit,
12 counsel?

13 MS. PREECE: If we submit it in the middle of August,
14 then he would have ten days, and they would all be submitted two
15 weeks before the hearing. Would that be reasonable?

16 MR. HUGHES: That's fine. I'm not going to be in the
17 country in August, but that's fine. So, we can -- we can look to
18 like September 1, for a -- so, you're going to submit -- do you
19 want to do it like August 18, he can submit on the 28th, and if
20 there's an issue, you would get it by September 1.

21 MS. PREECE: Okay.

22 MR. DUBIN: That was August 18th and August -- did you
23 say 28th?

24 MR. HUGHES: Yes.

25 MR. DUBIN: Okay.

1 MS. PREECE: You know, he has to do exhibits,
2 witness --

3 MR. HUGHES: Right. And objections.

4 MS. PREECE: -- and objections. Okay.

5 MR. HUGHES: On the 28th.

6 MS. PREECE: And, I guess, we would have, I don't know,
7 September 8th, to do our objections to his proposed exhibit list?

8 MR. HUGHES: Yeah.

9 MS. PREECE: Giving everybody ten days out.

10 MR. HUGHES: Yeah.

11 MS. PREECE: September 8th, prehearing on that.

12 September 8th, ten days before the hearing?

13 MR. DUBIN: Okay. I almost understand. August 18th,
14 the ODC will present its exhibit list and witness list. I will
15 do the same thing on August 28th?

16 MR. HUGHES: Yes.

17 MR. DUBIN: Okay. And when would the objections be
18 due?

19 MS. PREECE: I would say the same day?

20 MR. DUBIN: Huh?

21 MS. PREECE: The same day, August 28th.

22 MR. DUBIN: My objections?

23 MR. HUGHES: Yeah.

24 MS. PREECE: Yes.

25 MR. DUBIN: Okay. And when would your objections be

1 due?

2 MS. PREECE: Then we would have another ten days, so
3 September 8th? Is that --

4 MR. DUBIN: Okay. September -- anybody have that date?

5 MR. HUGHES: September 8th.

6 MS. PREECE: It's a Friday.

7 MR. DUBIN: The 7th?

8 MS. PREECE: If you want to make it the 7th, that's
9 fine. That's a Thursday.

10 MR. DUBIN: Is that the 7th?

11 MS. PREECE: September 8th, is a Friday.

12 MR. DUBIN: September 8th. Okay.

13 MR. HUGHES: So, we'll make it on the 8th, not the 7th.

14 MS. PREECE: Okay. September 8th.

15 MR. HUGHES: Okay. And then --

16 MS. PREECE: And at -- but should we make the
17 prehearing memorandums due also on September 8th? That's about
18 -- that's ten days before the hearing.

19 MR. HUGHES: Yeah. Yeah.

20 MS. PREECE: Okay.

21 MR. HUGHES: And both sides can submit it at the same
22 time, because we will have a pretty fair understanding of each
23 side's position, right, at that time, so.

24 MS. PREECE: And then the post-hearing, I would just
25 say we -- TBD.

1 MR. HUGHES: We would just wait until after we're done.

2 MS. PREECE: Okay. That's --

3 MR. HUGHES: We'll defer that until after the hearing,
4 or -- yeah, when the hearing concludes and the taking of evidence
5 is completed, we'll do the post-hearing submission of memos by
6 both ODC and Respondent. Mr. Dubin, you have not yet met with
7 ODC counsel to discuss any of these matters; is that correct?

8 MR. DUBIN: That's correct.

9 MR. HUGHES: So, I think that there should be a meet
10 and confer --

11 MR. DUBIN: Yes, I would like to do that after --

12 MR. HUGHES: I'm suggesting it soon.

13 MR. DUBIN: Well, I would like to be able to present
14 the evidence to the ODC --

15 MR. HUGHES: Okay.

16 MR. DUBIN: -- from my side to make that discussion
17 more worthwhile.

18 MR. HUGHES: I'll leave that up to counsel. I mean, if
19 there is a way to pare down the issues or to simplify the --

20 MR. DUBIN: There should.

21 MR. HUGHES: -- whatever, that's going to be presented
22 at the hearing, I am very amenable to that. And I'm sure that
23 even if I am replaced, the hearing officer taking my place would
24 welcome paring down issues -- paring it down. So --

25 MR. DUBIN: I will --

1 MR. HUGHES: -- that's why I'm saying we should -- if
2 you start the discussion now, I'm not saying you only get one
3 conference, but if you do it early and there's an exchange of
4 positions and exchange of information, then I think it would
5 help.

6 MR. DUBIN: I would be happy to do that --

7 MR. HUGHES: Okay.

8 MR. DUBIN: -- next week.

9 MR. HUGHES: Is that okay, counsel?

10 MS. PREECE: Sure. You want to meet next week?

11 MR. DUBIN: It would save me the time of preparing the
12 motions.

13 MR. HUGHES: Yeah.

14 MS. PREECE: All right.

15 MR. DUBIN: Next week is the week of the 22nd.

16 MS. PREECE: Yes.

17 MR. DUBIN: All right. If you give me a second, I'll
18 look at my schedule. These neighbor island appearances take a
19 long time.

20 MR. HUGHES: I understand. Yeah, and the flights are
21 -- just walking on the plane (indiscernible).

22 MR. DUBIN: Well, when they open the new Kona
23 courthouse --

24 MR. HUGHES: Yeah.

25 MR. DUBIN: -- that would be fantastic.

1 MR. HUGHES: I will be much happier.

2 MR. DUBIN: Okay. I would say May 26th.

3 MS. PREECE: Sure. What time do you want to meet?

4 MR. DUBIN: How about 3:00?

5 MS. PREECE: 3:00 p.m. Okay.

6 MR. HUGHES: Okay. And I would like a brief report on
7 the status from ODC counsel, with a copy to you, Mr. Dubin. And
8 if you want to supplement it, you can do so.

9 MR. DUBIN: I didn't quite understand you? You would
10 like what?

11 MR. HUGHES: A brief report on the status --

12 MR. DUBIN: Oh, of course.

13 MR. HUGHES: -- of what happens in the meetings.

14 MR. DUBIN: Yes.

15 MR. HUGHES: So, I'm going to have ODC counsel prepare
16 it, send it to you and to me. And so, if you want to supplement
17 it, you can -- are free to do so, after you get a chance to look
18 at it.

19 MR. DUBIN: My --

20 MR. HUGHES: I'm just more interested in movement --

21 MR. DUBIN: My interest would be to identify the
22 specific issues that are disputed, so we don't go into the
23 hearing with just a nebulous -- I mean, you know, pleadings are
24 one thing, but it's more important to identify exactly the points
25 of contention and that will help us, tremendously --

1 MR. HUGHES: Yes.

2 MR. DUBIN: -- and narrow down what we do with these
3 other things.

4 MR. HUGHES: Anything I can do to facilitate maybe
5 conferring on the issues and identifying points of agreement,
6 post of disagreement, so that when we move to the hearing, it's
7 going to be, I guess -- you know, you'll have more of a structure
8 to it, than if it's just here are all my papers, and here are all
9 your papers, you know, good luck, Mr. Hearing's Officer.

10 MR. DUBIN: Now --

11 MR. HUGHES: I don't want that.

12 MR. DUBIN: -- ideally a stipulated agreement of facts
13 then.

14 MR. HUGHES: Yeah.

15 MR. DUBIN: Agreements or disagreements.

16 MR. HUGHES: Yeah. And points that you disagree with.
17 If you agree that's -- you know, if you have that, then that's
18 all, I think, to the benefit of the hearing officer, whether it's
19 me or someone else, so. Okay.

20 MR. DUBIN: Well, thank you. I think this has been
21 constructive.

22 MR. HUGHES: Okay. Are we --

23 MS. PREECE: Okay. Let me think. So, we're not going
24 to say anything about the stips --

25 MR. HUGHES: Right.

1 MS. PREECE: -- because we can deal with that in the
2 process.

3 MR. HUGHES: Right. We are going to deal with that in
4 the future.

5 MS. PREECE: Okay.

6 MR. HUGHES: And I have to -- you know, you're going to
7 be meeting on the 26th, and I'll be getting a report afterwards,
8 and if you want me to meet with you folks, at any point in time,
9 between now and the --

10 MR. DUBIN: May I check one thing?

11 MR. HUGHES: Sure.

12 MR. DUBIN: My son is coming in from Florida on the
13 25th or 26th, I just remembered. And if I can be allowed a
14 second to check his --

15 MR. HUGHES: Yes. Absolutely.

16 MR. DUBIN: -- itinerary, because I'm supposed to pick
17 him up at the airport. This is a pampered son.

18 MS. PREECE: I think -- I'm doing the order, and it
19 says that ODC's position on the estimate of trial time,
20 Respondent, and then HOMO, Hearing Officer, and then it says
21 total. I wouldn't want to give the implication we don't have a
22 case to put on, so I'm wondering ten days -- he said --

23 MR. HUGHES: Ten days.

24 MS. PREECE: -- ten days.

25 MR. HUGHES: Ten days should be more than sufficient.

1 MS. PREECE: For all sides.

2 MR. HUGHES: For all sides.

3 MS. PREECE: I'll just put that. I don't want to
4 suggest that we don't have a position.

5 MR. HUGHES: Yeah. If we have to --

6 MS. PREECE: Just the order is kind of odd.

7 MR. HUGHES: Yeah. Once we have an order -- you know,
8 if we're in hearing, and it looks like we're going need more
9 time, then we're going to take more time. I'm not going to just
10 say, that's it.

11 MR. DUBIN: Let me put on the record that whatever time
12 it takes in the view of the hearing examiner.

13 MR. HUGHES: Well, we are scheduling ten days and
14 that's -- I've been an ODC Hearings Officer for some time now,
15 and I've never had a hearing go more than two, but I'm more than
16 happy to give everyone the time that they believe that they need
17 for this.

18 MR. DUBIN: There's four charges here.

19 MR. HUGHES: I understand. And I think by meeting with
20 ODC counsel, Mr. Dubin, you may, you know, at least get some of
21 these points clarified and there's the chance that if the
22 dialogue continues, it may address certain of these matters
23 outside of the hearing's process.

24 MR. DUBIN: That's my reasonable expectation.

25 MR. HUGHES: And if not, that's fine.

1 MR. DUBIN: Okay. All right. My son is coming in on
2 May 24th.

3 MR. HUGHES: Okay. So, we're --

4 MR. DUBIN: The 26th.

5 MR. HUGHES: -- good on the 26th, then 3:00.

6 MR. DUBIN: Yeah. Now, you've written up the schedule
7 and everything.

8 MR. HUGHES: I believe ODC --

9 MR. DUBIN: Yeah.

10 MR. HUGHES: -- will issue --

11 MS. PREECE: Yeah. I'm writing it up. I'm hoping that
12 I can just go over it, and we can --

13 MR. HUGHES: Yes.

14 MR. DUBIN: Yeah.

15 MS. PREECE: -- have it entered, and everybody can get
16 a copy --

17 MR. DUBIN: Yeah.

18 MS. PREECE: -- of it today.

19 MR. DUBIN: If you're going to sign it, we could get a
20 copy of yours.

21 MS. PREECE: Okay.

22 MR. HUGHES: You don't want my chicken scratch.

23 MR. DUBIN: Well, I have a hard time reading my own
24 handwriting, so.

25 MR. HUGHES: You're not alone.

1 MR. DUBIN: Well, thank you very much.

2 (Pause)

3 MS. PREECE: Okay. So, we can go over this. We can
4 just go -- so, this is just that everybody appeared in person.

5 MR. HUGHES: Okay.

6 MS. PREECE: Trial date is about ten days total for all
7 parties.

8 MR. DUBIN: Okay.

9 MS. PREECE: Matter is set for formal hearing on
10 September 18th, '17, at 9:00 a.m., and continue day-to-day until
11 complete, except for 9/28/17.

12 MR. DUBIN: Uh-huh.

13 MS. PREECE: The formal hearings will start at 9:00
14 a.m. A record of the proceeding shall be kept by the court
15 reporter. Hearing Officer's report due 30 days from last ordered
16 briefing. Culpability and discipline both.

17 MR. DUBIN: Uh-huh.

18 MS. PREECE: Prehearing conference, I just said in
19 person to be scheduled. We really don't have to do that right
20 now.

21 MR. DUBIN: All right.

22 MS. PREECE: Our proposed exhibit list and exhibits due
23 August 18th. Our proposed witness list due August 18th. Your
24 proposed exhibits -- everything is due for you on August 28th.

25 MR. DUBIN: Yeah.

1 MS. PREECE: You have to do your exhibit list, the
2 actual exhibits, the witness list.

3 MR. DUBIN: This is an 8, right not a 3?

4 MS. PREECE: Oh, you have to do the objections.

5 MR. DUBIN: Yeah.

6 MS. PREECE: You have to do objections to our exhibits.
7 So, you've got a lot to do in that ten days.

8 MR. DUBIN: Yeah.

9 MS. PREECE: You have to object to our exhibits, you
10 have do your own exhibits, you have to do your witness list. And
11 then we have to object to your exhibits. We've got until
12 September 8th to do that.

13 MR. DUBIN: Uh-huh.

14 MS. PREECE: And we have to object to your witnesses if
15 we want to, by September 8th. And then everybody has to do --
16 well, if you want to, I suppose it's not required, but a
17 prehearing memorandum of law. Both of them are due September
18 8th, for both sides. So, ten days before the hearing.

19 MR. DUBIN: Uh-huh.

20 MS. PREECE: And then you and I are going to meet on
21 May 26, 2017, at 3:00 p.m., and I'm supposed to report the
22 outcome. I'll just let you look at it. Does that sound right?

23 MR. DUBIN: I need to report back also.

24 MS. PREECE: Oh, sure.

25 MR. HUGHES: That's fine.

1 MR. DUBIN: All right. I'm going to put "and
2 Respondent." Is there a place for me to sign?

3 MR. HUGHES: It's not necessary.

4 MS. PREECE: No, not until I --

5 MR. HUGHES: Okay. I'm just going to give it right
6 back, because I'm not typing it.

7 MS. PREECE: Yeah, it won't be typed up.

8 MR. DUBIN: Why aren't the signatures needed?

9 MS. PREECE: No, it will be -- this will be the final.

10 MR. HUGHES: Okay.

11 MS. PREECE: I think. I hope. No, it will just be the
12 final. In fact, I'm hoping that we can get it stamped and give
13 you a copy before you leave. If Faye is here, she can do that
14 immediately, and I'll just copy it.

15 MR. DUBIN: And just for the record, I've signed this
16 without prejudice to the objections that I've made on the record
17 today.

18 MR. HUGHES: Correct.

19 MS. PREECE: All right. I'll be right back.

20 (Pause)

21 MS. PREECE: And I'll see you at 3:00 p.m., Friday?

22 MR. DUBIN: Huh?

23 MS. PREECE: Next Friday we're looking at, right, or
24 was it this Friday?

25 MR. DUBIN: It's next Friday.

1 MS. PREECE: Next Friday.

2 MR. DUBIN: At 3:00 p.m. I'll try to get as much as I
3 can get done.

4 MS. PREECE: Okay. I'll give one to everybody.

5 MR. HUGHES: Thank you.

6 MS. PREECE: No one needs an extra copy, huh?

7 MR. HUGHES: Thanks.

8 MS. PREECE: All right.

9 MR. DUBIN: Okay.

10 MR. HUGHES: Thank you very much.

11 MS. PREECE: Thank you.

12 (Proceedings concluded at 11:22 a.m.)

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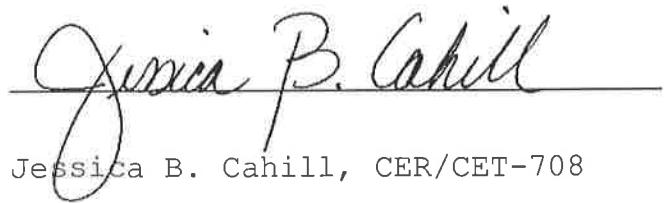
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CERTIFICATE

I, Jessica B. Cahill, court approved transcriber, do hereby certify that the foregoing is a complete, true, and correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.

Dated: December 27, 2018



A handwritten signature in black ink, appearing to read "Jessica B. Cahill", is written over a horizontal line. Below the signature, the name "Jessica B. Cahill" is printed in a smaller, standard font, followed by "CER/CET-708".

Non-Criminal Case Information

| | | |
|---------------------------------|---|-----------------------------|
| Case ID: 1CC011002747 | Case Title: RICHARD TODD MOYLE VS Y & Y HYUP SHIN CORP ETAL | |
| Initiation Type: P | Initiation Date: 09/19/2001 | Initiator I.D.: A3181 |
| Confidential Code: N | Division: 1C03 | Court: C |
| Cause of Action: OTH CVL ACTION | | Nature of Action: 02599 |
| Consolidation Code: | Trial Type: | Trial Judge: |
| Section Code: | Court Costs: 0 | Lower Court Case: |
| Case Disposition: | Case Termination: | Case Term. Date: 03/05/2004 |
| Orig. Agency: | Taxation Dist: | Tax Appeal Source: |
| Gen. Ex. Tax Amt.: 0.00 | Gen. Ex. Tax No.: | Tax Key: |
| Property Location: | | |
| Comments: | | |

Party List

| | | |
|----------------------|--------------------------------------|----------------|
| Seq: 1 | Name: MOYLE, RICHARD TODD | |
| Attorney Seq: 1 | Attorney Name: DUBIN, GARY VICTOR | |
| Attorney I.D.: A3181 | Type: PV | Status: A |
| Party Type: PL | Open Date: 09/20/2001 | |
| Amt. Prayed For: | Attorney's Fee: | Amt. Awarded: |
| Attorney Commission: | Interest: | Sheriff's Fee: |
| Notary Fee: | Court Costs: | Mileage Fee: |
| Comments: | | |
| Seq: 2 | Name: Y & Y HYUP SHIN CORP | |
| Attorney Seq: 1 | Attorney Name: PRICE, JOHN H | |
| Attorney I.D.: A2576 | Type: PV | Status: R |
| Attorney Seq: 2 | Attorney Name: CHOCK, SUSAN Y M | |
| Attorney I.D.: A1569 | Type: PV | Status: R |
| Attorney Seq: 3 | Attorney Name: HUGHES, ROY FREDERICK | |
| Attorney I.D.: A1774 | Type: PV | Status: A |
| Attorney Seq: 4 | Attorney Name: SHIN, JAMES | |
| Attorney I.D.: A6333 | Type: PV | Status: A |
| Party Type: DF | Open Date: 09/20/2001 | |
| Amt. Prayed For: | Attorney's Fee: | Amt. Awarded: |
| Attorney Commission: | Interest: | Sheriff's Fee: |
| Notary Fee: | Court Costs: | Mileage Fee: |
| Comments: | | |

| | |
|----------------------|---|
| Seq: 3 | Name: TTJJKK INC |
| Attorney Seq: 1 | Attorney Name: PRICE, JOHN H |
| Attorney I.D.: A2576 | Type: PV Status: R |
| Attorney Seq: 2 | Attorney Name: CHOCK, SUSAN Y M |
| Attorney I.D.: A1569 | Type: PV Status: R |
| Attorney Seq: 3 | Attorney Name: HUGHES, ROY FREDERICK |
| Attorney I.D.: A1774 | Type: PV Status: A |
| Attorney Seq: 4 | Attorney Name: SHIN, JAMES |
| Attorney I.D.: A6333 | Type: PV Status: A |
| Party Type: DF | Open Date: 09/20/2001 |
| Amt. Prayed For: | Attorney's Fee: |
| Attorney Commission: | Interest: |
| Notary Fee: | Court Costs: |
| Comments: | Amt. Awarded: Sheriff's Fee: Mileage Fee: |
| Seq: 4 | Name: DO RE MI KARAOKE |
| Attorney Seq: 1 | Attorney Name: PRICE, JOHN H |
| Attorney I.D.: A2576 | Type: PV Status: A |
| Attorney Seq: 2 | Attorney Name: CHOCK, SUSAN Y M |
| Attorney I.D.: A1569 | Type: PV Status: A |
| Party Type: DF | Open Date: 09/20/2001 |
| Amt. Prayed For: | Attorney's Fee: |
| Attorney Commission: | Interest: |
| Notary Fee: | Court Costs: |
| Comments: | Amt. Awarded: Sheriff's Fee: Mileage Fee: |

Document List

| | |
|-------------------------------------|--|
| Seq: 1 | Document Title: COMPLAINT FOR DAMAGES; DEMAND FOR TRIAL BY JURY; SUMMONS |
| Doc Type: | Date/Time: 09/19/2001 14:48 |
| Filing Party: DUBIN, GARY VICTOR | |
| Volume Number: | Case Folder Pg: 01---08 |
| Comments: | |
| Seq: 2 | Document Title: ORDER OF CASE ASSIGNMENT (VICTORIA S MARKS) |
| Doc Type: OCA | Date/Time: 09/26/2001 07:54 |
| Filing Party: FILED BY COURT, COURT | |
| Volume Number: | Case Folder Pg: 09---10 |
| Comments: | |
| Seq: 3 | Document Title: DEFT TTJJKK INC DBA DO RE MI KARAOKE'S ANSWER TO COMPLAINT FILED 9/19/01; C/S (SUSAN CHOCK) |
| Doc Type: ANCMP | Date/Time: 10/23/2001 13:54 |
| Filing Party: CHOCK, SUSAN Y M | |
| Volume Number: | Case Folder Pg: 11---14 |
| Comments: | |
| Seq: 4 | Document Title: ORDER REMOVING CASE FROM THE COURT ANNEXED ARBITRATION PROGRAM |
| Doc Type: | Date/Time: 07/26/2002 07:45 |
| Filing Party: FILED BY COURT, COURT | |
| Volume Number: | Case Folder Pg: 15----- |
| Comments: | |

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|-----------------|--|
| Seq: 5 | Document Title: NOTICE OF PROPOSED DISMISSAL(RULE 12(B)) (INITIAL COMPL FILED: 9/19/01 AS TO: TTJJKK INC, DBA DO RE MI KARAOKE) |
| Doc Type: | Date/Time: 08/20/2002 08:30 |
| Filing Party: | FILED BY COURT, COURT |
| Volume Number: | Case Folder Pg: 16---17 |
| Comments: | |
| Seq: 6 | Document Title: NOTICE OF DISMISSAL (RULE 28) (INITIAL COMPL FILED: 9/19/01 AS TO Y & Y HYUP SIN, CORP) |
| Doc Type: NOD28 | Date/Time: 08/20/2002 08:40 |
| Filing Party: | FILED BY COURT, COURT |
| Volume Number: | Case Folder Pg: 18---19 |
| Comments: | |
| Seq: 7 | Document Title: PLAINTIFF'S NOTICE OF OBJECTION TO DISMISSAL OF DEFENDANT Y & Y HYUP SHIN, CORP; DECLARATION OF GARY VICTOR DUBIN; EXHIBITS 1 THROUGH 5; CERTIFICATE OF SERVICE |
| Doc Type: | Date/Time: 09/09/2002 16:02 |
| Filing Party: | DUBIN, GARY VICTOR |
| Volume Number: | Case Folder Pg: 20---35 |
| Comments: | |
| Seq: 8 | Document Title: PROOF OF SERVICE; EXHIBIT "A" (Y & Y HYUP SHIN, CORP); (TTJJKK INC) (SRVD COMP ETC ON Y Y HYUP SHIN CORP AND TTJJKK INC ACCEPTED BY MIN CHO (MANAGER) AT DO RE MI KARAOKE ON 10/2/01 PER LONG VU) |
| Doc Type: | Date/Time: 09/09/2002 16:02 |
| Filing Party: | DUBIN, GARY VICTOR |
| Volume Number: | Case Folder Pg: 36---38 |
| Comments: | KARAOKE ON 10/2/01 PER LONG VU) |
| Seq: 9 | Document Title: PLAINTIFF'S NOTICE OF OBJECTION TO PROPOSED RULE 12(Q) DISMISSAL; DECLARATION OF GARY VICTOR DUBIN; CERTIFICATE OF SERVICE; (AS TO DEFENDANT TTJJKK INC; DBA DO RE MI KARAOKE) |
| Doc Type: | Date/Time: 09/10/2002 15:55 |
| Filing Party: | DUBIN, GARY VICTOR |
| Volume Number: | Case Folder Pg: 39---43 |
| Comments: | |
| Seq: 10 | Document Title: (DENIED) REQUEST TO CLERK FOR ENTRY OF DEFAULT AGST DEFT Y & Y HYUP SHIN, CORP; DECLARATION OF GRY VICTOR DUBIN; EXH A; ENTRY OF DEFAULT AGST DEFT Y & Y HYUP SHIN, CORP; C/S (DENIED, REQUEST CANNOT BE FILED AWAITING JUDGE'S RECOMMENDATION ON OBJECTION) |
| Doc Type: | Date/Time: 09/11/2002 07:53 |
| Filing Party: | DUBIN, GARY VICTOR |
| Volume Number: | Case Folder Pg: 44---52 |
| Comments: | (DENIED, REQUEST CANNOT BE FILED AWAITING JUDGE'S RECOMMENDATION ON OBJECTION) |
| Seq: 11 | Document Title: CONDITIONAL ORDER WITHDRAWING NOTICE OF PROPOSED DISMISSAL (RULE 12(B)) AND NOTICE OF DISMISSAL (RULE 28) AND NOTICE OF TRIAL SETTING CONFERENCE |
| Doc Type: | Date/Time: 10/16/2002 10:30 |
| Filing Party: | FILED BY COURT, COURT |
| Volume Number: | Case Folder Pg: 53---54 |
| Comments: | |

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|----------------|---|
| Seq: 12 | Document Title: AMENDED REQUEST TO CLERK FOR ENTRY OF DEFAULT AGAINST DEFT Y & HYUP SHIN, CORP; DECLARATION OF GARY VICTOR DUBIN; EXHIBIT A; ENTRY OF DEFAULT AGAINST DEFT Y & Y HYUP SHIN CORP; C/S |
| Doc Type: | Date/Time: 11/14/2002 09:51 |
| Filing Party: | DUBIN, GARY VICTOR |
| Volume Number: | Case Folder Pg: 55---63 |
| Comments: | |
| Seq: 13 | Document Title: PLAINTIFF RICHARD TODD MOYLE'S PRETRIAL STATEMENT; EXHIBIT 1; CERTIFICATE OF SERVICE |
| Doc Type: | Date/Time: 11/15/2002 15:28 |
| Filing Party: | DUBIN, GARY VICTOR |
| Volume Number: | Case Folder Pg: 64---83 |
| Comments: | |
| Seq: 14 | Document Title: STIPULATION TO RESCHEDULE TRIAL SETTING CONFERENCE; ORDER (SET 1/10/03 @8:00AM) |
| Doc Type: | Date/Time: 12/17/2002 15:49 |
| Filing Party: | CHOCK, SUSAN Y M |
| Volume Number: | Case Folder Pg: 84---85 |
| Comments: | |
| Seq: 15 | Document Title: CERTIFICATE OF SERVICE |
| Doc Type: | Date/Time: 12/20/2002 10:56 |
| Filing Party: | CHOCK, SUSAN Y M |
| Volume Number: | Case Folder Pg: 86---87 |
| Comments: | |
| Seq: 16 | Document Title: DEFT TTJJKK INC'S RESPONSIVE PRETRIAL STATEMENT; C/S |
| Doc Type: | Date/Time: 12/20/2002 13:58 |
| Filing Party: | CHOCK, SUSAN Y M |
| Volume Number: | Case Folder Pg: 88---92 |
| Comments: | |
| Seq: 17 | Document Title: NOTICE OF APPEARANCE OF COUNSEL FOR DEFENDANT Y & Y HYUP SHIN, CORP AND CERTIFICATE OF SERVICE |
| Doc Type: | Date/Time: 12/27/2002 14:42 |
| Filing Party: | KIUCHI, KEITH M |
| Volume Number: | Case Folder Pg: 93---96 |
| Comments: | |
| Seq: 18 | Document Title: DEFENDANT Y & Y HYUP SHIN, CORP'S MOTION TO SET ASIDE ENTRY OF DEFAULT ENTERED ON NOVEMBER 14, 2002; DECLARATION OF KEITH M KIUCHI; MEMORANDUM OF LAW IN SUPPORT OF MOTION; EXHIBITS "A" - "F"; NOTICE OF HEARING ON MOTION AND C/S (2/4/03; 8:30AM; JUDGE MARKS) |
| Doc Type: | Date/Time: 01/07/2003 13:27 |
| Filing Party: | KIUCHI, KEITH M |
| Volume Number: | Case Folder Pg: 97--128 |
| Comments: | "F"; NOTICE OF HEARING ON MOTION AND C/S (2/4/03; 8:30AM; JUDGE MARKS) |
| Seq: 19 | Document Title: TRIAL SETTING STATUS CONFERENCE ORDER OF 1/10/2003; ATTACHMENT A (SET WK OF 1/26/2004) |
| Doc Type: | Date/Time: 01/10/2003 16:00 |
| Filing Party: | FILED BY COURT, COURT |
| Volume Number: | Case Folder Pg: 129-134 |
| Comments: | |

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|--|---|
| Seq: 20 | Document Title: NOTICE OF TAKING DEPOSITION UPON WRITTEN QUESTIONS; QUESTIONS AND C/S |
| Doc Type: NTDW | Date/Time: 01/23/2003 15:14 |
| Filing Party: CHOCK, SUSAN Y M | |
| Volume Number: | Case Folder Pg: 135-149 |
| Comments: | |
| Seq: 21 | Document Title: SUBPOENA DUCES TECUM: C/R HPD RECORD AND IDENTIFICATION DIVISION |
| Doc Type: SDT | Date/Time: 01/23/2003 15:19 |
| Filing Party: CHOCK, SUSAN Y M | |
| Volume Number: | Case Folder Pg: 150-152 |
| Comments: | |
| Seq: 22 | Document Title: SUBPOENA DUCES TECUM: C/R CITY AND COUNTY OF HONOLULU EMERGENCY MEDICAL SERVICES DIVISION (SRVD THRU NINA SALBIEJO ON 1/24/03 BY SUSAN R KAWASAKI) |
| Doc Type: SDT | Date/Time: 01/23/2003 15:22 |
| Filing Party: CHOCK, SUSAN Y M | |
| Volume Number: | Case Folder Pg: 153-155 |
| Comments: | |
| Seq: 23 | Document Title: SUBPOENA DUCES TECUM: C/R STATE OF HI EMERGENCY MEDICAL SERVICES SYSTEMS BRANCH (SRVD ON 1/24/03 BY ANN MARIE CONLEY) |
| Doc Type: SDT | Date/Time: 01/23/2003 15:24 |
| Filing Party: CHOCK, SUSAN Y M | |
| Volume Number: | Case Folder Pg: 156-158 |
| Comments: | |
| Seq: 24 | Document Title: DECLARATION OF COUNSEL FOR PLTF RICHARD TODD MOYLE IN RESPONSE TO DEFT Y & Y HYUP SHIN, CORP'S MOTION TO SET ASIDE ENTRY OF DEFAULT ENTERED ON 11/14/02; EXHS 1 & 2; C/S (HRG: 2/25/03 @ 8:30 AM BEFORE JUDGE MARKS; TR: 1/26/04) |
| Doc Type: | Date/Time: 02/18/2003 15:05 |
| Filing Party: DUBIN, GARY VICTOR | |
| Volume Number: | Case Folder Pg: 159-174 |
| Comments: (HRG: 2/25/03 @ 8:30 AM BEFORE JUDGE MARKS; TR: 1/26/04) | |
| Seq: 25 | Document Title: ORDER GRANTING DEFT Y & Y HYUP SHIN CORP'S MOTION TO SET ASIDE ENTRY OF DEFAULT ENTERED ON 11/14/02 OF LAW IN SUPPORT OF MOTION; EXHIBITS A-F; NOTICE OF HEARING ON MOTION AND C/S |
| Doc Type: | Date/Time: 03/03/2003 13:23 |
| Filing Party: KIUCHI, KEITH M | |
| Volume Number: | Case Folder Pg: 175-176 |
| Comments: | |
| Seq: 26 | Document Title: WITHDRAWAL AND SUBSTITUTION OF COUNSEL; CERTIFICATE OF SERVICE (KIUCHI & NAKAMTO WITHDRAWS AND JOHN H PRICE ENTERS AS COUNSEL FOR DEFT Y & Y HYUP SHIN CORP) |
| Doc Type: | Date/Time: 04/16/2003 08:58 |
| Filing Party: PRICE, JOHN H | |
| Volume Number: | Case Folder Pg: 177-178 |
| Comments: | |
| Seq: 27 | Document Title: CONSENT TO WITHDRAWAL AND SUBSTITUTION OF COUNSEL |
| Doc Type: | Date/Time: 04/16/2003 08:58 |
| Filing Party: PRICE, JOHN H | |
| Volume Number: | Case Folder Pg: 179-180 |
| Comments: | |

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|-----------------|---|
| Seq: 28 | Document Title: DEFENDANTS TTJJKK, INC AND Y Y HYUP SHIN, CORP'S MOTION FOR LEAVE TO FILE THIRD-PARTY COMPLAINT; MEMO IN SUPPORT OF MOTION; EXHIBIT 1; NOTICE OF HEARING MOTION AND CERTIFICATE OF SERVICE (8/1/03 @ 9 AM BEFORE JUDGE MARKS) |
| Doc Type: | Date/Time: 07/09/2003 15:06 |
| Filing Party: | PRICE, JOHN H |
| Volume Number: | Case Folder Pg: 181-202 |
| Comments: | (8/1/03 @ 9 AM BEFORE JUDGE MARKS) |
| Seq: 29 | Document Title: PLTF RICHARD TODD MOYLE'S MEMORANDUM IN OPPOSITION TO DEFTS TTJJKK, INC & Y&Y HYUP SHIN, CORP'S MOTION FOR LEAVE TO FILE THIRD-PARTY COMPLAINT; EXHIBIT A; CS |
| Doc Type: | Date/Time: 07/25/2003 16:00 |
| Filing Party: | DUBIN, GARY VICTOR |
| Volume Number: | Case Folder Pg: 203-213 |
| Comments: | |
| Seq: 30 | Document Title: DEFT Y & Y HYUP SHIN, CORP'S ANSWER TO COMPLAINT; C/S (BY S CHOCK) |
| Doc Type: ANCMP | Date/Time: 07/30/2003 14:34 |
| Filing Party: | CHOCK, SUSAN Y M |
| Volume Number: | Case Folder Pg: 214-218 |
| Comments: | |
| Seq: 31 | Document Title: PLAINTIFF RICHARD TODD MOYLE'S SETTLEMENT CONFERENCE STATEMENT; C/S |
| Doc Type: | Date/Time: 10/21/2003 15:50 |
| Filing Party: | DUBIN, GARY VICTOR |
| Volume Number: | Case Folder Pg: 219-228 |
| Comments: | |
| Seq: 32 | Document Title: DEFTS' SETTLEMENT CONFERENCE STATEMENT; C/S |
| Doc Type: | Date/Time: 10/23/2003 13:30 |
| Filing Party: | CHOCK, SUSAN Y M |
| Volume Number: | Case Folder Pg: 229-233 |
| Comments: | |
| Seq: 33 | Document Title: DEFTS' FINAL NAMING OF WITNESSES; C/S |
| Doc Type: | Date/Time: 10/24/2003 13:46 |
| Filing Party: | CHOCK, SUSAN Y M |
| Volume Number: | Case Folder Pg: 234-237 |
| Comments: | |
| Seq: 34 | Document Title: PRETRIAL ORDER OF-DECEMBER 11, 2003; ATTACHMENT "A" |
| Doc Type: | Date/Time: 12/12/2003 14:00 |
| Filing Party: | FILED BY COURT, COURT |
| Volume Number: | Case Folder Pg: 238-243 |
| Comments: | |
| Seq: 35 | Document Title: NOTICE OF TAKING DEPOSITION UPON WRITTEN QUESTIONS; QUESTIONS AND CS |
| Doc Type: NTDW | Date/Time: 12/15/2003 11:06 |
| Filing Party: | CHOCK, SUSAN Y M |
| Volume Number: | Case Folder Pg: 244-250 |
| Comments: | |
| Seq: 36 | Document Title: SUBPOENA DUCES TECUM; C/R CITY & COUNTY OF HONOLULU, EMERGENCY MEDICAL SERVICES DIV |
| Doc Type: SDT | Date/Time: 12/15/2003 11:09 |
| Filing Party: | CHOCK, SUSAN Y M |
| Volume Number: | Case Folder Pg: 251-253 |
| Comments: | |

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| Seq: 37 | Document Title: NOTICE OF TAKING DEPOSITION UPON ORAL EXAMINATION;EXH A; C/S |
| Doc Type: NTDO | Date/Time: 12/30/2003 15:55 |
| Filing Party: DUBIN, GARY VICTOR | |
| Volume Number: | Case Folder Pg: 254-261 |
| Comments: | |
| Seq: 38 | Document Title: SUBPOENA DUCES TECUM; EXH A; NOTICE TO PERSON OR ENTITY SERVED WITH A SUBPOENA DUCES TECUM WHO IS NOT A PARTY TO THIS CASE: C/R & ID DIVISION OF THE HPD |
| Doc Type: SDT | Date/Time: 12/30/2003 15:56 |
| Filing Party: DUBIN, GARY VICTOR | |
| Volume Number: | Case Folder Pg: 262-266 |
| Comments: | |
| Seq: 39 | Document Title: PRETRIAL ORDER OF - 1/2/04; ATTACHMENT A |
| Doc Type: | Date/Time: 01/02/2004 11:55 |
| Filing Party: FILED BY COURT, COURT | |
| Volume Number: 2 | Case Folder Pg: 01---06 |
| Comments: | |
| Seq: 40 | Document Title: DEFENDANTS Y & Y HYUP SHIN, CORP.,AND TTJJKK INC.,DBA DO RE MI KARAOKE'S MOTION IN LIMINE NO. 1 TO BAR EVIDENCE CONCERNING DEFENDANTS' Y & Y HYUP SHIN, CORP.,AND TTJJKK INC., DBA DO RE MI KARAOKE ALLEGED FAILURE TO ASSIST PLAINTIFF RICHARD TODD MOYLE; C/S |
| Doc Type: | Date/Time: 01/20/2004 14:19 |
| Filing Party: PRICE, JOHN H | |
| Volume Number: | Case Folder Pg: 07---11 |
| Comments: ALLEGED FAILURE TO ASSIST PLAINTIFF RICHARD TODD MOYLE; C/S | |
| Seq: 41 | Document Title: DEFENDANTS Y & Y HYUP SHIN, CORP.,AND TTJJKK INC.,DBA DO RE MI KARAOKE'S MOTION IN LIMINE NO. 2 TO BAR EVIDENCE OF INJURIES INFILCTED ON PLAINTIFF RICHARD TODD MOYLE BY SIMI TUPUOLA; C/S (HRG 1/26/04 @ 9:15 AM BEFORE JUDGE MARKS) |
| Doc Type: | Date/Time: 01/20/2004 14:20 |
| Filing Party: PRICE, JOHN H | |
| Volume Number: | Case Folder Pg: 12---16 |
| Comments: (HRG 1/26/04 @ 9:15 AM BEFORE JUDGE MARKS) | |
| Seq: 42 | Document Title: DEFENDANTS Y & Y HYUP SHIN, CORP.,AND TTJJKK INC.,DBA DO RE MI KARAOKE'S MOTION IN LIMINE NO. 3 TO ADD SIMI TUPUOLA AS THIRD-PARTY DEFENDANT AND/OR TO RECONSIDER THE COURT'S DENIAL OF THE DEFENDANTS' MOTION TO FILE THIRD-PARTY COMPLAINT FILED 7/9/03; C/S |
| Doc Type: | Date/Time: 01/20/2004 14:20 |
| Filing Party: PRICE, JOHN H | |
| Volume Number: | Case Folder Pg: 17---22 |
| Comments: THE DEFENDANTS' MOTION TO FILE THIRD-PARTY COMPLAINT FILED 7/9/03; C/S | |
| Seq: 43 | Document Title: PLAINTIFF RICHARD TODD MOYLE'S DEPOSITION DESIGNA-TIONS FOR TRIAL; C/S |
| Doc Type: | Date/Time: 01/20/2004 15:06 |
| Filing Party: DUBIN, GARY VICTOR | |
| Volume Number: | Case Folder Pg: 23---27 |
| Comments: | |
| Seq: 44 | Document Title: DEFENDANTS Y&Y HYUP SHIN, CORP, TTJJKK INC DBA DO RE MI KARAOKE'S ATTORNEY FIRM LIST; CS |
| Doc Type: | Date/Time: 01/21/2004 13:35 |
| Filing Party: PRICE, JOHN H | |
| Volume Number: | Case Folder Pg: 28---30 |
| Comments: | |

Case ID: 1CC011002747 Case Title: RICHARD TODD MOYLE VS Y & Y HYUP SHIN CORP ETAL

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| Seq: 45 | Document Title: DEFENDANTS Y&H HYUP SHIN, CORP, AND TTJJKK INC, DBA DO RE MI KARAOKE'S WITNESS LIST; CS |
| Doc Type: | Date/Time: 01/21/2004 13:36 |
| Filing Party: PRICE, JOHN H | |
| Volume Number: | Case Folder Pg: 31---33 |
| Comments: | |
| Seq: 46 | Document Title: DEPO #04-0131 - DEPO OF NINA SALBIEJO (TAKEN ON BEHALF OF THE DEFT TTJJKK, INC DBA DO RE MI KARAOKE AND Y & Y HYUP SHIN CORP ON 12/19/03) |
| Doc Type: DEPO | Date/Time: 01/21/2004 |
| Filing Party: FILED BY COURT, COURT | |
| Volume Number: | Case Folder Pg: DEPO |
| Comments: | |
| Seq: 47 | Document Title: DEPO #04-0132 - DEPO OF LISA-LEE BRANCO (TAKEN ON BEHALF OF THE DEFTS TTJJKK, INC DBA DO RE MI KARAOKE AND Y & Y HYUP SHIN CORP ON 2/14/03) |
| Doc Type: DEPO | Date/Time: 01/21/2004 |
| Filing Party: FILED BY COURT, COURT | |
| Volume Number: | Case Folder Pg: DEPO |
| Comments: | |
| Seq: 48 | Document Title: PLTF RICHARD TODD MOYLE'S OPPOSITION TO DEFTS Y&Y HYUP SHIN,CORP,& TTJJKK INC DBA DO RE MI KARAOKE'SMOTION IN LIMINE NO 1 TO BAR EVIDENCE CONCERNING DEFTS' Y&Y HYUP SHIN,CORP,& TTJJKK INC DBA DO RE MI KARAOKE'S ALLEGED FAILURE TO ASSIST PLT RICHARDTODD MOYLE; CS |
| Doc Type: | Date/Time: 01/23/2004 09:51 |
| Filing Party: DUBIN, GARY VICTOR | |
| Volume Number: | Case Folder Pg: 34---37 |
| Comments: MI KARAOKE'S ALLEGED FAILURE TO ASSIST PLT RICHARDTODD MOYLE; CS | |
| Seq: 49 | Document Title: PLTF RICHARD TODD MOYLE'S OPPOSITION TO DEFTS Y&Y HYUP SHIN,CORP,& TTJJKK INC DBA DO RE MI KARAOKE'SMOTION IN LIMINE NO 2 TO BAR EVIDENCE OF INJURIES INFILCTED ON PLTF RICHARD TODD MOYLE BY SIMI TUPU- OLA; CS |
| Doc Type: | Date/Time: 01/23/2004 09:51 |
| Filing Party: DUBIN, GARY VICTOR | |
| Volume Number: | Case Folder Pg: 38---41 |
| Comments: OLA; CS | |
| Seq: 50 | Document Title: PLTF RICHARD TODD MOYLE'S OPPOSITON TO DEFTS Y&Y HYUP SHIN,CORP,& TTJJKK INC,DBA DO RE MI KARAOKE'SMOTION IN LIMINE NO 3 TO ADD SIMI TUPUOLA AS THIRDPARTY DEFT AND/OR TO RECONSIDER THE COURT'S DENIAL OF THE DEFTS' MOTION TO FILE THIRD-PARTY COMPLAINTFILED 7/9/03; CS |
| Doc Type: | Date/Time: 01/23/2004 09:51 |
| Filing Party: DUBIN, GARY VICTOR | |
| Volume Number: | Case Folder Pg: 42---45 |
| Comments: OF THE DEFTS' MOTION TO FILE THIRD-PARTY COMPLAINTFILED 7/9/03; CS | |
| Seq: 51 | Document Title: DEFTS Y&Y HYUP SHIN,CORP,TTJJKK INC,DBA DOE RE MI KARAOKE'S OBJECTION TO PLTF'S EXHIBITS 1-22;CS |
| Doc Type: | Date/Time: 01/23/2004 13:42 |
| Filing Party: PRICE, JOHN H | |
| Volume Number: | Case Folder Pg: 46---50 |
| Comments: | |

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| Seq: 52 | Document Title: DEFTS Y&Y HYUP SHIN,CORP,TTJJKK INC, DBA DOE RE MIKARAOKE'S OBJECTION TO PLTF'S DEPOSITION DESIGNATION OF KARIN YU; CS |
| Doc Type: | Date/Time: 01/23/2004 13:43 |
| Filing Party: PRICE, JOHN H | |
| Volume Number: | Case Folder Pg: 51---53 |
| Comments: | |
| Seq: 53 | Document Title: DEFTS Y&Y SHIN,CORP,TTJJKK INC, DBA DOE RE MI KARAOKE'S OBJECTION TO PLTF'S DEPOSITION DESIGNATION OF KYONG SUK SON;CS |
| Doc Type: | Date/Time: 01/23/2004 13:44 |
| Filing Party: PRICE, JOHN H | |
| Volume Number: | Case Folder Pg: 54---56 |
| Comments: | |
| Seq: 54 | Document Title: DEFTS Y&Y HYUP SHIN,CORP,TTJJKK INC, DBA DO RE MI KARAOKE'S COUNTERDESIGNATION OF DEPOSITION OF KYONG SUK SON; CS |
| Doc Type: | Date/Time: 01/23/2004 13:44 |
| Filing Party: PRICE, JOHN H | |
| Volume Number: | Case Folder Pg: 57---59 |
| Comments: | |
| Seq: 55 | Document Title: HONOLULU POLICE DEPT'S MOTION TO QUASH SUBPOENA DUCES TECUM,OR,IN THE ALTERNATIVE,FOR AN IN-CAMERA INSPECTION; MEMORANDUM IN SUPPORT OF MOTION; DECLARATION OF COUNSEL; EXHIBIT 1; NOTICE OF HEARING & CS (HRG 2/10/04 AT 8:30 AM BEFORE JUDGE MARKS) |
| Doc Type: | Date/Time: 01/23/2004 14:22 |
| Filing Party: YOST, MOANA ASAM | |
| Volume Number: | Case Folder Pg: 60---72 |
| Comments: (HRG 2/10/04 AT 8:30 AM BEFORE JUDGE MARKS) | |
| Seq: 56 | Document Title: PLTF RICHARD TODD MOYLE'S OPPOSITION TO DEFTS Y&Y HYUP SHIN,CORP,& TTJJKK INC DBA DO RE MI KARAOKE'S PROPOSED TRIAL EXHIBITS; CS |
| Doc Type: | Date/Time: 01/23/2004 15:18 |
| Filing Party: DUBIN, GARY VICTOR | |
| Volume Number: | Case Folder Pg: 73---75 |
| Comments: | |
| Seq: 57 | Document Title: DEFENDANTS Y&Y HYUP SIN, CORP.,TTJJKK INC., DBA DORE MI KARAOKE'S COUNTERDESIGNATION OF DEPOSITION OF KARIN YU; CERTIFICATE OF SERVICE |
| Doc Type: | Date/Time: 01/23/2004 13:43 |
| Filing Party: PRICE, JOHN H | |
| Volume Number: | Case Folder Pg: 76---78 |
| Comments: | |
| Seq: 58 | Document Title: PLAINTIFF RICHARD TODD MOYLE'S PROPOSED STATEMENT OF FACTS TO BE READ TO THE JURY; CS |
| Doc Type: | Date/Time: 01/26/2004 15:57 |
| Filing Party: DUBIN, GARY VICTOR | |
| Volume Number: | Case Folder Pg: 79---81 |
| Comments: | |
| Seq: 59 | Document Title: PLAINTIFF RICHARD TODD MOYLE'S TRIAL WITNESS LIST; CS |
| Doc Type: | Date/Time: 01/26/2004 15:58 |
| Filing Party: DUBIN, GARY VICTOR | |
| Volume Number: | Case Folder Pg: 82---84 |
| Comments: | |

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| Seq: 60 | Document Title: PLAINTIFF RICHARD TODD MOYLE'S ATTORNEY FIRM LIST; CS |
| Doc Type: | Date/Time: 01/26/2004 15:58 |
| Filing Party: | DUBIN, GARY VICTOR |
| Volume Number: | Case Folder Pg: 85---86 |
| Comments: | |
| Seq: 61 | Document Title: PLAINTIFF RICHARD TODD MOYLE'S PROPOSED JURY INSTRUCTIONS; CS |
| Doc Type: | Date/Time: 01/26/2004 15:58 |
| Filing Party: | DUBIN, GARY VICTOR |
| Volume Number: | Case Folder Pg: 87---97 |
| Comments: | |
| Seq: 62 | Document Title: PLAINTIFF RICHARD TODD MOYLE'S PROPOSED SPECIAL VERDICT FORM; CS |
| Doc Type: | Date/Time: 01/26/2004 15:59 |
| Filing Party: | DUBIN, GARY VICTOR |
| Volume Number: | Case Folder Pg: 98--102 |
| Comments: | |
| Seq: 63 | Document Title: DEFENDANTS Y & Y HYUP SHIN CORP AND TTJJKK, INC DBA DO RE MI KARAOKE'S STATEMENT OF THE CASE; CS |
| Doc Type: | Date/Time: 01/26/2004 10:35 |
| Filing Party: | PRICE, JOHN H |
| Volume Number: | Case Folder Pg: 103-105 |
| Comments: | |
| Seq: 64 | Document Title: DEFENDANTS Y & Y HYUP SHIN CORP AND TTJJKK, INC DBA DO RE MI KARAOKE'S PROPOSED SPECIAL VERDICT FORM; CS |
| Doc Type: | Date/Time: 01/26/2004 13:37 |
| Filing Party: | PRICE, JOHN H |
| Volume Number: | Case Folder Pg: 106-110 |
| Comments: | |
| Seq: 65 | Document Title: DEFENDANTS Y&Y HYUP SHIN, CORP, AND TTJJKK INC, DBA DO RE MI KARAOKE'S REQUESTED JURY INSTRUC- TIONS; CS |
| Doc Type: | Date/Time: 01/26/2004 13:37 |
| Filing Party: | PRICE, JOHN H |
| Volume Number: | Case Folder Pg: 111-120 |
| Comments: | |
| Seq: 66 | Document Title: DEPO #04-0164 - YU, KAREN (TAKEN ON BEHALF OF PLTF ON 12/18/03) |
| Doc Type: DEPO | Date/Time: 01/29/2004 |
| Filing Party: OTHER | |
| Volume Number: | Case Folder Pg: DEPO |
| Comments: | |
| Seq: 67 | Document Title: DEPO #04-0165 - SON, KYONG SUK (TAKEN ON BEHALF OF PLTF ON 12/18/03) |
| Doc Type: DEPO | Date/Time: 01/29/2004 |
| Filing Party: OTHER | |
| Volume Number: | Case Folder Pg: DEPO |
| Comments: | |
| Seq: 68 | Document Title: SUBPOENA; KARIN H YU |
| Doc Type: SUB | Date/Time: 02/06/2004 13:48 |
| Filing Party: | DUBIN, GARY VICTOR |
| Volume Number: | Case Folder Pg: 121---- |
| Comments: | |
| Seq: 69 | Document Title: SUBPOENA; KYONG SUK SON |
| Doc Type: SUB | Date/Time: 02/06/2004 13:50 |
| Filing Party: | DUBIN, GARY VICTOR |
| Volume Number: | Case Folder Pg: 122---- |
| Comments: | |

Case ID: HCCV11002747 Case Title: RICHARD TODD MOYLE VS Y & Y HYUP SHIN CORP ET AL

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| Seq: 70 | Document Title: SUBPOENA; CUST OF REC, QUEEN'S MEDICAL CENTER |
| Doc Type: SUB | Date/Time: 02/06/2004 13:51 |
| Filing Party: DUBIN, GARY VICTOR | |
| Volume Number: | Case Folder Pg: 123---- |
| Comments: | |
| Seq: 71 | Document Title: COURT'S STANDARD CIVIL INSTRUCTIONS-WITHDRAWN/ REFUSED |
| Doc Type: | Date/Time: 02/11/2004 15:59 |
| Filing Party: FILED BY COURT, COURT | |
| Volume Number: | Case Folder Pg: 124-158 |
| Comments: | |
| Seq: 72 | Document Title: COPY OF PLTF RICHARD TODD MOYLE'S PROPOSED JURY INSTRUCTIONS FILED 1/26/04- WITHDRAWN/REFUSED |
| Doc Type: | Date/Time: 02/11/2004 16:03 |
| Filing Party: FILED BY COURT, COURT | |
| Volume Number: | Case Folder Pg: 159-169 |
| Comments: | |
| Seq: 73 | Document Title: COPY OF DEFTS Y&Y HYUP SHIN, CORP AND TTJJKK INC DBA DO RE MI KARAOKE'S REQUESTED JURY INSTRUCTIONSFILED 1/26/04 - WITHDRAWN/REFUSED |
| Doc Type: | Date/Time: 02/11/2004 16:08 |
| Filing Party: FILED BY COURT, COURT | |
| Volume Number: | Case Folder Pg: 170-176 |
| Comments: | |
| Seq: 74 | Document Title: COURT'S CHARGE TO THE JURY (COPY GIVEN TO THE JURY) |
| Doc Type: | Date/Time: 02/12/2004 09:40 |
| Filing Party: FILED BY COURT, COURT | |
| Volume Number: | Case Folder Pg: 177-217 |
| Comments: | |
| Seq: 75 | Document Title: JURY INSTRUCTIONS IN THE ORDER IN WHICH INSTRUCTIONS WERE READ TO THE JURY |
| Doc Type: | Date/Time: 02/12/2004 10:00 |
| Filing Party: FILED BY COURT, COURT | |
| Volume Number: | Case Folder Pg: 218-260 |
| Comments: | |
| Seq: 76 | Document Title: COMMUNICATION NUMBER 1 FROM THE JURY |
| Doc Type: | Date/Time: 02/12/2004 12:25 |
| Filing Party: FILED BY COURT, COURT | |
| Volume Number: | Case Folder Pg: 261---- |
| Comments: | |
| Seq: 77 | Document Title: COMMUNICATION NUMBER 2 FROM THE JURY |
| Doc Type: | Date/Time: 02/12/2004 12:26 |
| Filing Party: FILED BY COURT, COURT | |
| Volume Number: | Case Folder Pg: 262---- |
| Comments: | |
| Seq: 78 | Document Title: SPECIAL VERDICT FORM |
| Doc Type: | Date/Time: 02/12/2004 12:28 |
| Filing Party: FILED BY COURT, COURT | |
| Volume Number: | Case Folder Pg: 263-266 |
| Comments: | |
| Seq: 79 | Document Title: EXHIBIT LIST (CODE NO 138) |
| Doc Type: EL | Date/Time: 02/19/2004 13:13 |
| Filing Party: FILED BY COURT, COURT | |
| Volume Number: | Case Folder Pg: 267-269 |
| Comments: | |

Case ID: 1CC011002747 Case Title: RICHARD TODD MOYLE VS Y & Y HYUP SHIN CORP ETAL

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| Seq: 80 | Document Title: JUDGMENT BY JURY TRIAL |
| Doc Type: JUDG | Date/Time: 03/05/2004 08:06 |
| Filing Party: PRICE, JOHN H | |
| Volume Number: | Case Folder Pg: 270-271 |
| Comments: | |
| Seq: 81 | Document Title: NOTICE OF ENTRY OF JUDGMENT BY: JURY TRIAL |
| Doc Type: NOJ | Date/Time: 03/12/2004 13:45 |
| Filing Party: PRICE, JOHN H | |
| Volume Number: | Case Folder Pg: 272-273 |
| Comments: | |
| Seq: 82 | Document Title: DEFTS' Y&Y HYUP SHIN CORP AND TTJJKK INC DBA DO REMI KARAOKE BILL OF COSTS; EXHIBITS A-G; C/S (\$957.20) |
| Doc Type: | Date/Time: 03/15/2004 10:35 |
| Filing Party: HALVORSON, AMANDA WESTON | |
| Volume Number: | Case Folder Pg: 274-287 |
| Comments: | |
| Seq: 83 | Document Title: PLTFF RICHARD TODD MOYLE'S RULE 59(A), RULE 59(E), AND RULE 60(B) (3) HRCP MOTION TO SET ASIDE JURY VERDICT AND JUDGMENT ENTERED 3/5/2004 AND FOR A NEW TRIAL, AND FOR SANCTIONS, BASED UPON DEFTS' FRAUD UPON THE COURT AND ERRONEOUS JURY INSTRUCTIONS AND PREJUDICIAL VERDICT FORM; MEMORANDUM IN SUPPORT OF MOTION; CERTIFICATION OF DCCA DIRECTOR MARK E RECKTENWALD; DECLARATION OF GARY VICTOR |
| Doc Type: | Date/Time: 03/15/2004 16:04 |
| Filing Party: DUBIN, GARY VICTOR | |
| Volume Number: 3 | Case Folder Pg: 01--358 |
| Comments: FRAUD UPON THE COURT AND ERRONEOUS JURY INSTRUCTIONS AND PREJUDICIAL VERDICT FORM; MEMORANDUM IN SUPPORT OF MOTION; CERTIFICATION OF DCCA DIRECTOR MARK E RECKTENWALD; DECLARATION OF GARY VICTOR | |
| Seq: 84 | Document Title: DUBIN; EXHIBITS 1 THROUGH 9; NOTICE OF HEARING OF MOTION; C/S |
| Doc Type: | Date/Time: 03/15/2004 |
| Filing Party: | |
| Volume Number: | Case Folder Pg: ***** |
| Comments: | |
| Seq: 85 | Document Title: ORDER GRANTING THE HONOLULU POLICE DEPT'S MOTION TO QUASH SUBPOENA DUCES TECUM, OR IN THE ALTERNATIVE, FOR IN-CAMERA INSPECTION FILED ON 1/23/2004 |
| Doc Type: | Date/Time: 03/16/2004 15:58 |
| Filing Party: LEWALLEN, RICHARD DUNCAN | |
| Volume Number: 4 | Case Folder Pg: 01---02 |
| Comments: | |
| Seq: 86 | Document Title: NOTICE OF HEARING OF "PLTFF RICHARD TODD MOYLE'S RULE 59(A), RULE 59(E), AND RULE 60(B)(3) HRCP MOTION TO SET ASIDE JURY VERDICT AND JUDGMENT ENTERED 3/5/2004, AND FOR A NEW TRIAL, AND FOR SANCTIONS, BASED UPON DEFTS' FRAUD UPON THE COURT AND ERRONEOUS JURY INSTRUCTIONS AND PRE-JUDICIAL VERDICT FORM," PREVIOUSLY FILED AND SERVED ON 3/5/2004; C/S |
| Doc Type: | Date/Time: 03/18/2004 11:14 |
| Filing Party: DUBIN, GARY VICTOR | |
| Volume Number: | Case Folder Pg: 03---05 |
| Comments: SANCTIONS, BASED UPON DEFTS' FRAUD UPON THE COURT AND ERRONEOUS JURY INSTRUCTIONS AND PRE-JUDICIAL VERDICT FORM," PREVIOUSLY FILED AND SERVED ON 3/5/2004; C/S | |

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| Seq: 87 | Document Title: (SET 4/7/2004 @ 11:30AM, JUDGE MARKS) |
| Doc Type: | Date/Time: 03/18/2004 |
| Filing Party: | |
| Volume Number: | Case Folder Pg: ***** |
| Comments: | |
| Seq: 88 | Document Title: DEFTS Y&Y HYUP SHIN CORP, AND TTJJKK INC DBA DO REMI KARAOKE'S MEMORANDUM IN OPPOSITION TO "PLTFF RICHARD TODD MOYLE'S RULE 59(A) RULE 59(E), AND RULE 60(B)(3) HRCP MOTION TO SET ASIDE JURY VERDICT AND JUDGMENT ENTERED 3/5/2004, AND FOR A NEW TRIAL, AND FOR SANCTIONS, BASED UPON DEFTS' FRAUD UPON THE COURT AND ERRONEOUS JURY INSTRUCTIONS AND PREJUDICIAL VERDICT FORM," PREVIOUSLY |
| Doc Type: | Date/Time: 03/24/2004 10:41 |
| Filing Party: | HALVORSON, AMANDA WESTON |
| Volume Number: | Case Folder Pg: 06---25 |
| Comments: | VERDICT AND JUDGMENT ENTERED 3/5/2004, AND FOR A NEW TRIAL, AND FOR SANCTIONS, BASED UPON DEFTS' FRAUD UPON THE COURT AND ERRONEOUS JURY INSTRUCTIONS AND PREJUDICIAL VERDICT FORM," PREVIOUSLY |
| Seq: 89 | Document Title: FILED AND SERVED ON 3/15/2004; EXHIBIT A; C/S |
| Doc Type: | Date/Time: 03/24/2004 |
| Filing Party: | |
| Volume Number: | Case Folder Pg: ***** |
| Comments: | |
| Seq: 90 | Document Title: PLTFF'S REPLY MEMORANDUM IN FURTHER SUPPORT OF "PLTFF RICHARD TODD MOYLE'S RULE 59(A), RULE 59(E), AND RULE 60(B)(3) HRCP MOTION TO SET ASIDE JURY VERDICT AND JUDGMENT ENTERED 3/5/2004, AND FOR A NEW TRIAL, AND FOR SANCTIONS, BASED UPON DEFTS' FRAUD UPON THE COURT AND ERRONEOUS JURY INSTRUCTIONS AND PREJUDICIAL VERDICT FORM"; DECLARATION OF CHRISTOPHER ENRIQUES; C/S |
| Doc Type: | Date/Time: 04/02/2004 16:01 |
| Filing Party: | DUBIN, GARY VICTOR |
| Volume Number: | Case Folder Pg: 26---39 |
| Comments: | FOR A NEW TRIAL, AND FOR SANCTIONS, BASED UPON DEFTS' FRAUD UPON THE COURT AND ERRONEOUS JURY INSTRUCTIONS AND PREJUDICIAL VERDICT FORM"; DECLARATION OF CHRISTOPHER ENRIQUES; C/S |
| Seq: 91 | Document Title: NOTICE OF SUBMISSION OF THE 5/14/99 ARTICLES OF INCORPORATION OF DEFT Y & Y HYUP SHIN CORP, IN FURTHER SUPPORT OF "PLTFF RICHARD TODD MOYLE'S RULE 59(A), RULE 59(E), AND RULE 60(B)(3) HRCP MOTION TO SET ASIDE JURY VERDICT AND JUDGMENT ENTERED 3/5/2004, AND FOR A NEW TRIAL, AND FOR SANCTIONS, BASED UPON DEFTS' FRAUD UPON THE COURT AND ERRONEOUS JURY INSTRUCTIONS AND PREJUDICIAL |
| Doc Type: | Date/Time: 04/06/2004 10:49 |
| Filing Party: | DUBIN, GARY VICTOR |
| Volume Number: | Case Folder Pg: 40---53 |
| Comments: | MOTION TO SET ASIDE JURY VERDICT AND JUDGMENT ENTERED 3/5/2004, AND FOR A NEW TRIAL, AND FOR SANCTIONS, BASED UPON DEFTS' FRAUD UPON THE COURT AND ERRONEOUS JURY INSTRUCTIONS AND PREJUDICIAL |
| Seq: 92 | Document Title: VERDICT FORM"; C/S |
| Doc Type: | Date/Time: 04/06/2004 |
| Filing Party: | |
| Volume Number: | Case Folder Pg: ***** |
| Comments: | |

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| Seq: 93 | Document Title: NOTICE OF COMPLETION AND SUBMISSION OF THE TRANSCRIPT OF THE 2/11/2004, TRIAL TESTIMONY OF KYONG SUK SON AND KARIN HYON YU, IN FURTHER SUPPORT OF "PLTFF RICHARD TODD MOYLE'S RULE 59(A), RULE 59(E), AND RULE 60(B)(3) HRCP MOTION TO SET ASIDE JURY VERDICT AND JUDGMENT ENTERED 3/5/2004, AND FOR A NEW TRIAL, AND FOR SANCTIONS, BASED UPON THE COURT AND ERRONEOUS JURY INSTRUCTIONS AND |
| Doc Type: | Date/Time: 04/06/2004 10:50 |
| Filing Party: | DUBIN, GARY VICTOR |
| Volume Number: | Case Folder Pg: 54--110 |
| Comments: | RULE 59(E), AND RULE 60(B)(3) HRCP MOTION TO SET ASIDE JURY VERDICT AND JUDGMENT ENTERED 3/5/2004, AND FOR A NEW TRIAL, AND FOR SANCTIONS, BASED UPON THE COURT AND ERRONEOUS JURY INSTRUCTIONS AND |
| Seq: 94 | Document Title: PREJUDICIAL VERDICT FORM"; C/S |
| Doc Type: | Date/Time: 04/06/2004 |
| Filing Party: | |
| Volume Number: | Case Folder Pg: ***** |
| Comments: | |
| Seq: 95 | Document Title: ORDER DENYING PLTF RICHARD TODD MOYLE'S RULE 59(A), RULE 59(E) & RULE 60(B)(3) H R C P MOTION TO SET ASIDE JURY VERDICT & JUDGMENT ENTERED 3/5/04, & FOR A NEW TRIAL, & FOR SANCTIONS, BASED UPON DEFTS' FRAUD UPON THE COURT & ERRONEOUS JURY INSTRUCTIONS & PREJUDICIAL VERDICT FORM PREVIOUSLY FILED & SERVED ON 3/15/04 (FILED 3/18/04) |
| Doc Type: | Date/Time: 04/20/2004 15:54 |
| Filing Party: | PRICE, JOHN H |
| Volume Number: | Case Folder Pg: 111-113 |
| Comments: | SANCTIONS, BASED UPON DEFTS' FRAUD UPON THE COURT & ERRONEOUS JURY INSTRUCTIONS & PREJUDICIAL VERDICT FORM PREVIOUSLY FILED & SERVED ON 3/15/04 (FILED 3/18/04) |
| Seq: 96 | Document Title: CERTIFICATE OF SERVICE |
| Doc Type: CS | Date/Time: 04/22/2004 13:49 |
| Filing Party: | PRICE, JOHN H |
| Volume Number: | Case Folder Pg: 114-115 |
| Comments: | |
| Seq: 97 | Document Title: NOTICE OF APPEAL TO THE HAWAII SUPREME COURT AND TO THE INTERMEDIATE COURT OF APPEALS; EXHIBITS 1 AND 2; CERTIFICATE OF SERVICE (ROA DUE 07/18/04; RTOP DUE 05/31/04) |
| Doc Type: NOA | Date/Time: 05/19/2004 12:13 |
| Filing Party: | DUBIN, GARY VICTOR |
| Volume Number: | Case Folder Pg: 116-123 |
| Comments: | (ROA DUE 07/18/04; RTOP DUE 05/31/04) |
| Seq: 98 | Document Title: CIVIL APPEAL DOCKETING STATEMENT |
| Doc Type: | Date/Time: 05/19/2004 12:14 |
| Filing Party: | DUBIN, GARY VICTOR |
| Volume Number: | Case Folder Pg: 124-133 |
| Comments: | |
| Seq: 99 | Document Title: REQUEST FOR TRANSCRIPT OF PROCEEDINGS FOR RECORD ON APPEAL (B. FAXVOG - 8/1/2003 - JUDGE MARKS) |
| Doc Type: RTOP | Date/Time: 06/25/2004 15:57 |
| Filing Party: | DUBIN, GARY VICTOR |
| Volume Number: | Case Folder Pg: 134--135 |
| Comments: | |

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| Seq: 100 | Document Title: REQUEST FOR TRANSCRIPT OF PROCEEDINGS FOR RECORD ON APPEAL (1/26/2004 - M. KUNIHIRO; JUDGE MARKS) |
| Doc Type: RTOP | Date/Time: 06/25/2004 15:57 |
| Filing Party: DUBIN, GARY VICTOR | |
| Volume Number: | Case Folder Pg: 136--140 |
| Comments: | |
| Seq: 101 | Document Title: REQUEST FOR TRANSCRIPT OF PROCEEDINGS FOR RECORD ON APPEAL (2/10/2004 - F. FINES; JUDGE MARKS) |
| Doc Type: RTOP | Date/Time: 06/25/2004 15:58 |
| Filing Party: DUBIN, GARY VICTOR | |
| Volume Number: | Case Folder Pg: 141--142 |
| Comments: | |
| Seq: 102 | Document Title: REQUEST FOR TRANSCRIPT OF PROCEEDINGS FOR RECORD ON APPEAL (2/10/2004 - F. FINES; JUDGE MARKS) |
| Doc Type: RTOP | Date/Time: 06/25/2004 15:58 |
| Filing Party: DUBIN, GARY VICTOR | |
| Volume Number: | Case Folder Pg: 143--149 |
| Comments: | |
| Seq: 103 | Document Title: REQUEST FOR TRANSCRIPT OF PROCEEDINGS FOR RECORD ON APPEAL (2/11/2004 - F. FINES; JUDGE MARKS) |
| Doc Type: RTOP | Date/Time: 06/25/2004 15:58 |
| Filing Party: DUBIN, GARY VICTOR | |
| Volume Number: | Case Folder Pg: 150--158 |
| Comments: | |
| Seq: 104 | Document Title: REQUEST FOR TRANSCRIPT OF PROCEEDINGS FOR RECORD ON APPEAL (2/12/2004 - F. FINES; JUDGE MARKS) |
| Doc Type: RTOP | Date/Time: 06/25/2004 15:59 |
| Filing Party: DUBIN, GARY VICTOR | |
| Volume Number: | Case Folder Pg: 159--164 |
| Comments: | |
| Seq: 105 | Document Title: REQUEST FOR TRANSCRIPT OF PROCEEDINGS FOR RECORD ON APPEAL (2/12/2004 - N. BEAVER; JUDGE MARKS) |
| Doc Type: RTOP | Date/Time: 06/25/2004 15:59 |
| Filing Party: DUBIN, GARY VICTOR | |
| Volume Number: | Case Folder Pg: 165--168 |
| Comments: | |
| Seq: 106 | Document Title: REQUEST FOR TRANSCRIPT OF PROCEEDINGS FOR RECORD ON APPEAL (4/7/2004 - C. DIXON; JUDGE MARKS) |
| Doc Type: RTOP | Date/Time: 06/25/2004 15:59 |
| Filing Party: DUBIN, GARY VICTOR | |
| Volume Number: | Case Folder Pg: 169--170 |
| Comments: | |
| Seq: 107 | Document Title: CERTIFICATE OF SERVICE |
| Doc Type: CS | Date/Time: 06/28/2004 14:09 |
| Filing Party: DUBIN, GARY VICTOR | |
| Volume Number: | Case Folder Pg: 171--172 |
| Comments: | |
| Seq: 108 | Document Title: TRANSCRIPT OF PROCEEDINGS (#9362 - N. BEAVER; 2/12/04; JUDGE MARKS) |
| Doc Type: TOP | Date/Time: 07/02/2004 14:29 |
| Filing Party: FILED BY COURT, COURT | |
| Volume Number: | Case Folder Pg: ***** |
| Comments: | |

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| Seq: 109 | Document Title: TRANSCRIPT OF PROCEEDINGS (#9362 - C. DIXON; 4/7/04; JUDGE MARKS) |
| Doc Type: TOP | Date/Time: 07/14/2004 11:31 |
| Filing Party: FILED BY COURT, COURT | |
| Volume Number: | Case Folder Pg: ***** |
| Comments: | |
| Seq: 110 | Document Title: WITHDRAWAL AND APPERANCE OF COUNSEL FOR DEFTS Y&Y HYUP HIN CORP AND TTJJKK INC AND ORDER (JOHN H PRICE W/D FROM DEFTS Y & Y HYUP SHIN CORP AND TTJJKK INC AND HUGHES & TAOSAKA ENTERS) |
| Doc Type: | Date/Time: 07/16/2004 08:58 |
| Filing Party: SHIN, JAMES | |
| Volume Number: | Case Folder Pg: 173--174 |
| Comments: | |
| Seq: 111 | Document Title: RECORD ON APPEAL (SC #26582 - RICHARD TODD MOYLE, APPELLANT) |
| Doc Type: ROA | Date/Time: 07/20/2004 14:43 |
| Filing Party: FILED BY COURT, COURT | |
| Volume Number: | Case Folder Pg: |
| Comments: | |
| Seq: 112 | Document Title: CERTIFICATE OF SERVICE |
| Doc Type: CS | Date/Time: 07/20/2004 15:42 |
| Filing Party: SHIN, JAMES | |
| Volume Number: | Case Folder Pg: |
| Comments: | |
| Seq: 113 | Document Title: TRANSCRIPT OF PROCEEDINGS (#9362 - F FFINES; 02/10/04 - JUDGE MARKS) |
| Doc Type: TOP | Date/Time: 07/22/2004 10:58 |
| Filing Party: FILED BY COURT, COURT | |
| Volume Number: | Case Folder Pg: ***** |
| Comments: | |
| Seq: 114 | Document Title: TRANSCRIPT OF PROCEEDINGS (#9362 - F FINES; 02/11/04 - JUDGE MARKS) |
| Doc Type: TOP | Date/Time: 07/22/2004 10:58 |
| Filing Party: FILED BY COURT, COURT | |
| Volume Number: | Case Folder Pg: ***** |
| Comments: | |
| Seq: 115 | Document Title: TRANSCRIPT OF PROCEEDINGS (#9362 - F FINES; 02/12/04 - JUDGE MARKS) |
| Doc Type: TOP | Date/Time: 07/22/2004 10:58 |
| Filing Party: FILED BY COURT, COURT | |
| Volume Number: | Case Folder Pg: ***** |
| Comments: | |
| Seq: 116 | Document Title: TRANSCRIPT OF PROCEEDINGS #9362 - BRIAN FAXVOG;08/01/03;JUDGE VICTORIA MARKS |
| Doc Type: TOP | Date/Time: 09/13/2004 |
| Filing Party: FILED BY COURT, COURT | |
| Volume Number: | Case Folder Pg: ***** |
| Comments: #9362 - BRIAN FAXVOG;08/01/03;JUDGE VICTORIA MARKS | |
| Seq: 117 | Document Title: ORDER (SC 26582) |
| Doc Type: | Date/Time: 12/27/2004 16:19 |
| Filing Party: FILED BY COURT, COURT | |
| Volume Number: | Case Folder Pg: |
| Comments: | |

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| Seq: 118 | Document Title: REQUEST FOR TRANSCRIPT OF PROCEEDINGS FOR RECORD ON APPEAL (B. FAXVOG - 8/1/03) |
| Doc Type: RTOP | Date/Time: 03/02/2005 13:47 |
| Filing Party: BRITTAIN, STEVEN THOMAS | |
| Volume Number: | Case Folder Pg: |
| Comments: | |
| Seq: 119 | Document Title: REQUEST FOR TRANSCRIPT OF PROCEEDINGS FOR RECORD ON APPEAL (M B KUNIHIRO - 1/26/04) |
| Doc Type: RTOP | Date/Time: 03/02/2005 13:47 |
| Filing Party: BRITTAIN, STEVEN THOMAS | |
| Volume Number: | Case Folder Pg: |
| Comments: | |
| Seq: 120 | Document Title: REQUEST FOR TRANSCRIPT OF PROCEEDINGS FOR RECORD ON APPEAL (C. DIXON - 4/7/04) |
| Doc Type: RTOP | Date/Time: 03/02/2005 13:47 |
| Filing Party: BRITTAIN, STEVEN THOMAS | |
| Volume Number: | Case Folder Pg: |
| Comments: | |
| Seq: 121 | Document Title: REQUEST FOR TRANSCRIPT OF PROCEEDINGS FOR RECORD ON APPEAL (F. FINES - 2/10/04 [8:30AM]) |
| Doc Type: RTOP | Date/Time: 03/02/2005 13:47 |
| Filing Party: BRITTAIN, STEVEN THOMAS | |
| Volume Number: | Case Folder Pg: |
| Comments: | |
| Seq: 122 | Document Title: REQUEST FOR TRANSCRIPT OF PROCEEDINGS FOR RECORD ON APPEAL (F. FINES - 2/10/04 [1:30PM]) |
| Doc Type: RTOP | Date/Time: 03/02/2005 13:47 |
| Filing Party: BRITTAIN, STEVEN THOMAS | |
| Volume Number: | Case Folder Pg: |
| Comments: | |
| Seq: 123 | Document Title: REQUEST FOR TRANSCRIPT OF PROCEEDINGS FOR RECORD ON APPEAL (F. FINES - 2/11/04) |
| Doc Type: RTOP | Date/Time: 03/02/2005 13:47 |
| Filing Party: BRITTAIN, STEVEN THOMAS | |
| Volume Number: | Case Folder Pg: |
| Comments: | |
| Seq: 124 | Document Title: REQUEST FOR TRANSCRIPT OF PROCEEDINGS FOR RECORD ON APPEAL (F. FINES - 2/12/04) |
| Doc Type: RTOP | Date/Time: 03/02/2005 13:47 |
| Filing Party: BRITTAIN, STEVEN THOMAS | |
| Volume Number: | Case Folder Pg: |
| Comments: | |
| Seq: 125 | Document Title: REQUEST FOR TRANSCRIPT OF PROCEEDINGS FOR RECORD ON APPEAL (F. FINES - 2/14/04) |
| Doc Type: RTOP | Date/Time: 03/02/2005 13:47 |
| Filing Party: BRITTAIN, STEVEN THOMAS | |
| Volume Number: | Case Folder Pg: |
| Comments: | |
| Seq: 126 | Document Title: FIRST SUPPLEMENTAL RECORD ON APPEAL (SC #26582) |
| Doc Type: | Date/Time: 07/24/2006 09:43 |
| Filing Party: FILED BY COURT, COURT | |
| Volume Number: | Case Folder Pg: |
| Comments: | |

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| Seq: 127 | Document Title: OPINION OF THE COURT BY FUJISE, J (SC 26582) (AFFIRM 3/5/04 JUDGMENT) |
| Doc Type: | Date/Time: 11/08/2007 14:04 |
| Filing Party: | FILED BY COURT, COURT |
| Volume Number: | Case Folder Pg: |
| Comments: | |
| Seq: 128 | Document Title: JUDGMENT ON APPEAL- AFFIRMED (SC NO. 26582) |
| Doc Type: | Date/Time: 11/26/2007 11:26 |
| Filing Party: | FILED BY COURT, COURT |
| Volume Number: | Case Folder Pg: |
| Comments: | |
| Seq: 129 | Document Title: OPINION OF THE COURT BY LEVINSON J (SC NO 26582) (JUDGMENT SHOULD BE VACATED & CASE REMANDED FOR NEW TRIAL) |
| Doc Type: | Date/Time: 09/04/2008 13:12 |
| Filing Party: | FILED BY COURT, COURT |
| Volume Number: | Case Folder Pg: |
| Comments: | |
| Seq: 130 | Document Title: JUDGMENT ON APPEAL- VACATED AND REMANDED (SC NO. 26582) |
| Doc Type: | Date/Time: 10/27/2008 15:19 |
| Filing Party: | FILED BY COURT, COURT |
| Volume Number: | Case Folder Pg: |
| Comments: | |
| Seq: 131 | Document Title: RECEIPT FOR EXHIBITS, ETC., RETURNED TO: CIRCUIT COURT OF THE FIRST CIRCUIT |
| Doc Type: | Date/Time: 05/18/2009 15:25 |
| Filing Party: | FILED BY COURT, COURT |
| Volume Number: | Case Folder Pg: |
| Comments: | |
| Seq: 132 | Document Title: DEFENDANTS Y & Y HYUP SHIN, CORP & TTJJKK INC, BOTH DOING BUSINESS AS DO RE MI KARAOKE'S MOTION TO DISMISS PURSUANT TO HRCP RULE 41(B); MEMORANDUM IN SUPPORT OF MOTION; DECLARATION OF KAREN S KOGACHI; EXHS "A"- "G"; NOTICE OF HEARING MOTION & C/S |
| Doc Type: | Date/Time: 02/06/2012 11:29 |
| Filing Party: | HUGHES, ROY FREDERICK |
| Volume Number: | Case Folder Pg: |
| Comments: | KAREN S KOGACHI; EXHS "A"- "G"; NOTICE OF HEARING MOTION & C/S |
| Seq: 133 | Document Title: PLTF'S MEMORANDUM IN OPPOSITION TO DEFTS Y & Y HYUP SHIN CORP AND TTJJKK INC BOTH DOING BUSINESS AS DO RE MI KARAOKE'S MOTION TO DISMISS PURSUANT TO HRCP RULE 41(B); DECLARATION OF GARY VICTOR DUBIN; EXHIBITS 1-3; C/S |
| Doc Type: | Date/Time: 03/13/2012 16:11 |
| Filing Party: | DUBIN, GARY VICTOR |
| Volume Number: | Case Folder Pg: |
| Comments: | DUBIN; EXHIBITS 1-3; C/S |
| Seq: 134 | Document Title: DEFENDANTS Y & Y HYUP SHIN, CORP AND TTJJKK INC, BOTH DOING BUSINESS AS DO RE MI KARAOKE'S MOTION TO DISMISS PURSUANT TO HRCP RULE 41(B), FILED 3/13/12; C/S |
| Doc Type: | Date/Time: 03/16/2012 10:50 |
| Filing Party: | HUGHES, ROY FREDERICK |
| Volume Number: | Case Folder Pg: |
| Comments: | |

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| Seq: 135 | Document Title: REQUEST TO ACCESS COURT RECORD (HCRR) |
| Doc Type: RACR | Date/Time: 05/24/2013 12:45 |
| Filing Party: FILED BY COURT, COURT | |
| Volume Number: | Case Folder Pg: |
| Comments: | |

Court Minutes List

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|--|---|---------------|
| Seq: 1 | App Desc: ASSIGNED CIVIL CALENDAR | |
| App Type: ACC | Loc: 1C03 | Type: AC |
| Date/Time: 09/19/2001 | Phase: | App Disp: |
| CTRM: | Cal Type: AC | Priority: 0 |
| Judge I.D.: JVMARKS | Video No.: | Audio No.: |
| Minutes: | | |
| Seq: 2 | App Desc: TRIAL SETTING CONFERENCE (R12) | |
| App Type: STC | Loc: 1C03 | Type: ST |
| Date/Time: 01/03/2003 08:00 | Phase: | App Disp: CON |
| CTRM: | Cal Type: ST | Priority: 0 |
| Judge I.D.: JVMARKS | Video No.: | Audio No.: |
| Minutes: MINUTE ORDER - 12/17/2002: OFF - STIPULATION TO RESCHEDULE TRIAL SETTING CONFERENCE SUBMITTED. APPROVED AND SO ORDERED BY JUDGE MARKS. MATTER CONTINUED TO 1/10/2003 AT 8:00 AM. CLERK: E.Y. NITTA | | |
| Seq: 3 | App Desc: TRIAL SETTING CONFERENCE. (FROM 1/3/2003) | |
| App Type: STC | Loc: 1C03 | Type: ST |
| Date/Time: 01/10/2003 08:00 | Phase: | App Disp: OTH |
| CTRM: | Cal Type: ST | Priority: 0 |
| Judge I.D.: JVMARKS | Video No.: | Audio No.: |
| Minutes: *OFF RECORD, IN CHAMBERS TRIAL SETTING CONFERENCE* ATTY GARY DUBIN F/PLTF ATTY SUSAN CHOCK F/DEFT TTJJKK, INC. ATTY DWIGHT TANAKA F/DEFT Y&Y HYUP SHIN CORP 8:05 AM: OFF REC, IN CHAMBERS CONF HELD W/ DISCUSSION RE: 1) M/SET ASIDE DEFAULT--ATTY DUBIN NOT AVAILABLE-STIP TO MOVE MOTION FOR HRG ON 2/25/03 AT 8:30 AM; 2) TRIAL SETTING INFO: A) NTW: 1/26/2004 (4-5 DAY JURY TRIAL) B) SETTLEMENT CONFERENCE: 10/27/2003 @ 1:30 PM; C) PRETRIAL HEARING: 1/21/2004 @ 8:30 AM; D) RELATED CR CASE: 99-1990 SOH V. TUPUOLA TRIAL SETTING ORDER EXECUTED; 8:25 AM: CONFERENCE CONCLUDED. LAW CLK/CT CLK: J. IIDA/P. NAKAMOTO | | |
| Seq: 4 | App Desc: DEFT Y & Y HYUP SHIN, CORP'S MOTION TO SET ASIDE ENTRY OF DEFAULT ENTERED ON 11/14/02 (K. KIUCHI) | |
| App Type: MOT | Loc: 1C03 | Type: CM |
| Date/Time: 02/04/2003 08:30 | Phase: | App Disp: RSC |
| CTRM: | Cal Type: CM | Priority: 0 |
| Judge I.D.: JVMARKS | Video No.: | Audio No.: |
| Minutes: NOTE FOR THE RECORD: 1/10/03 OFF; PURSUANT TO STIPULATION OF COUNSEL, HRG RESCHEDULED TO 2/25/03 AT 8:30 AM (TRIAL SETTING CONF OF 1/10/03). CT CLK: P. NAKAMOTO | | |
| Seq: 5 | App Desc: DEFT Y&Y HYUP SHIN, CORP'S MOTION TO SET ASIDE ENTRY OF DEFAULT ENTERED ON 11/14/02 (K. KIUCHI) (FR: 2/04/03) (TW: 1/26/2004) | |
| App Type: MOT | Loc: 1C03 | Type: CM |
| Date/Time: 02/25/2003 08:30 | Phase: | App Disp: GRT |
| CTRM: | Cal Type: CM | Priority: 0 |
| Judge I.D.: JVMARKS | Video No.: | Audio No.: |
| Minutes: *CT REPTR: HAROLD NAKATA* CT CLK: P. NAKAMOTO ATTY GARY DUBIN F/PLTF ATTY KEITH KIUCHI F/DEFT Y&Y HYUP SHIN 8:42 AM: CASE CALLED; APPEARANCES MADE; CT NOTED HAVING EVERYTHING SUBMITTED; FUR ARG BY ATTY KIUCHI W/NOTE THAT COUNSEL ARE TRYING TO WORK OUT ISSUE OF ATTYS FEES IF CT IS INCLINED TO ORDER SAME; CT GRANTED MOTION-NO AWARD OF FEES; ATTY KIUCHI TO PREPARE ORDER; 8:43 AM: MATTER CONCLUDED. | | |

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| Seq: 6 | App Desc: | DEFTS TTJJKK, INC & Y & Y HYUP SHIN, CORP'S MOTION FOR LEAVE TO FILE 3RD PARTY COMPLAINT (J. PRICE) (TW: 1/26/04) | | |
| | App Type: MOT | Loc: 1C03 | Type: CM | |
| | Date/Time: 08/01/2003 09:00 | Phase: | App Disp: DND | |
| | CTRM: | Cal Type: CM | Priority: 0 | |
| | Judge I.D.: JVMARKS | Video No.: | Audio No.: | |
| | Minutes: ** CT RPTR: BRIAN FAXVOG * CLERK: E.Y. NITTA ** GARY DUBIN FOR PLTF SUSAN CHOCK FOR DEFT 9:03-9:15 AM. CASE CALLED. COUNSEL MADE THEIR APPEARANCE. CT HAS REVIEWED EVERYTHING SUBMITTED. CT'S INCLINATION: DENY MOTION; CASE PENDING SINCE SEPT. 2001; UNTIMELY; UPCOMING TRIAL WEEK 4 MONTHS AWAY; QUESTION ABOUT WHETHER WHAT IS A CLAIM FOR CONTRIBUTION FROM TUPUOLA. MS. CHOCK PRESENTED ARGUMENT. MR. DUBIN PRESENTED FURTHER ARGUMENT. CT DENIED MOTION. MR. DUBIN TO PREPARE ORDER. | | | |
| Seq: 7 | App Desc: | SETTLEMENT CONFERENCE (TW: 1/26/2004) | | |
| | App Type: SCF | Loc: 1C03 | Type: SC | |
| | Date/Time: 10/27/2003 13:30 | Phase: | App Disp: OTH | |
| | CTRM: | Cal Type: SC | Priority: 0 | |
| | Judge I.D.: JVMARKS | Video No.: | Audio No.: | |
| | Minutes: GARY DUBIN FOR PLTF SUSAN CHOCK FOR DEFT Y & Y 1:40-2:21 PM. IN CHAMBERS CONFERENCE (OFF THE RECORD). CT MET W/COUNSEL JOINTLY AND INDIVIDUALLY: CASE DISCUSSED; POSITION OF PARTIES. FURTHER SETTLEMENT CONFERENCE SET FOR 12/11/2003 AT 4:00 PM. CT INSTRUCTED MS. CHOCK TO HAVE ADJUSTER HERE IN PERSON. LAW CLERK/CLERK: DEVIN CHOY/E.Y. NITTA | | | |
| Seq: 8 | App Desc: | FURTHER SETTLEMENT CONFERENCE. (FROM 10/27/2003) | | |
| | App Type: SCF | Loc: 1C03 | Type: SC | |
| | Date/Time: 12/11/2003 16:00 | Phase: | App Disp: FSC | |
| | CTRM: | Cal Type: SC | Priority: 0 | |
| | Judge I.D.: JVMARKS | Video No.: | Audio No.: | |
| | Minutes: *OFF RECORD, IN CHAMBERS SETTLEMENT CONFERENCE* ATTY GARY DUBIN F/PLTF ATTY JOHN PRICE F/DEFT 4:05 PM: OFF REC, IN CHAMBERS JOINT SETTLEMENT SESSION HELD W/DISCUSSION RE: 1) STATUS OF DISCOVERY; 2) ADJUSTER NOT PRESENT F/DEFT--CT'S CONCERNS; 3) STATUS OF DEPOS--CT ORDERED DEPOS 12/18/03: 2 HRS EACH; 9:00 AM & 2:00 PM--DEFT TO BRING DESIGNATED PEOPLE; 4) MED ISSUES; CT NOTED NO PROGRESS-NOT ABLE TO PROCEED TODAY W/OUT AUTHORITY--FURTHER SETTLEMENT CONF SET: 1/2/04 @ 9:00 AM--DEFT ORDERED TO HAVE ADJUSTER PRESENT; CT WILL ISSUE PRETRIAL ORDER RE: DEPOS & 3RD SETTLEMENT CONF; 4:20 PM: CONFERENCE CONCLUDED. LAW CLK/CT CLK: D. CHOY/P. NAKAMOTO | | | |

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| Seq: 9 | App Desc: | FURTHER SETTLEMENT CONFERENCE (TW: 1/26/2004) (FR: 10/27 & 12/12/03) | | |
| | App Type: | SCF | Loc: | 1C03 |
| | Date/Time: | 01/02/2004 09:00 | Phase: | Type: SC |
| | CTRM: | | Cal Type: | RET |
| | Judge I.D.: | JVMARKS | Video No.: | Priority: 0 |
| | Minutes: | *OFF RECORD, IN CHAMBERS SETTLEMENT CONFERENCE* ATTY GARY DUBIN F/PLTF RICHARD TODD MOYLE, PLTF ATTY JOHN PRICE F/DEFT JOSEPH QUINN, INS ADJUSTER W/WOOD & TAIT 9:10 AM: OFF REC, IN CHAMBERS JOINT & CLOSED INDIVIDUAL SETTLEMENT SESSIONS HELD W/DISCUSSION RE: 1) CASE STATUS: A) PLTF NOT DEPOSED-DEFT HAS TRIAL TESTIMONY; B) MEDICAL RECORDS-PLTF TURNED OVER 1/9/03-DEFT DID NOT RECEIVE--DEFT HAS SINCE RECD 2 DENTISTS' RECORDS & AMBULANCE REPORT; C) PLTF HAS NOT CONTACTED DHS RE: COMPROMISING LIEN POSSIBILITY; D) PLTF HAS NOT TALKED W/DRS; E) NO DRS DEPOSED; 2) CT'S CONCERNS RE: ISSUES REL TO LIABILITY, CAUSATION, FORESEEABILITY & DAMAGES; 3) POSITION OF PARTIES: A) PLTF'S LAST DEMAND--POSRE: WHAT PLTF WILL CONSIDER; B) DEFT'S OFFER--MAY MAKE RULE 68 OFFER; 4) CT ADDRESSED PLTF RE: WHAT CAN HAPPEN IF PLTF DOES NOT PROVE CASE--RESP FOR DEFT'S COSTS/EXPENSES; 5) PLTF DECLINED DEFT'S OFFER-NO SETTLEMENT-TRIAL CASE; 6) DISCUSSION RE: TRIAL SETTING: A) CT'S TRIAL CALCONFLICT: NTW: 2/9/04--ALL PRETRIAL DATES TO REMAIN SAME BASED ON ORIG TW; PLTF REQ TO EXT PT DUE DATES W/EXPLANATION-TRIAL/CAL CONFLICTS; NO OBJ BY DEFT--NEW PRETRIAL DATES: 1) 1/19/2004: M/LIMINE, EXHIBITS, DEPO DESIGNS DUE; 2) 1/23/2004: OJBS TO EXHS, MEMOS/OPP DUE; 3) 1/26/2004: WIT/ATTY LISTS, STATEMENT TO JURY, JURY INSTRUCTIONS, SPECIAL VERDICT FORMS DUE; 4) 1/26/2004 @ 9:15 AM: PRETRIAL HRG SET; CT WILL ISSUE NEW PT ORDER; CT ENCOURAGED PTYS TO CONTINUE TALKING; 10:32 AM: CONFERENCE CONCLUDED. CT CLK: P. NAKAMOTO | | |
| Seq: 10 | App Desc: | 1) MOTIONS IN LIMINE 2) HEARING RE: OBJECTIONS TO EXHIBITS, DEPOSITION DESIGNATIONS/COUNTERDESIGNATIONS (TW: 1/26/2004) | | |
| | App Type: | MOT | Loc: | 1C03 |
| | Date/Time: | 01/21/2004 08:30 | Phase: | Type: CM |
| | CTRM: | | Cal Type: | App Disp: RSC |
| | Judge I.D.: | JVMARKS | Video No.: | Priority: 0 |
| | Minutes: | NOTE FOR THE RECORD: 1/2/04 OFF; NTW: 2/9/04-PRETRIAL HRG/DEADLINES RESCHED. CT CLK: P. NAKAMOTO | | |
| Seq: 11 | App Desc: | 8) PLTF RICHARD TODD MOYLE'S OPPOSITION TO DEFTS Y&Y HYUP SHIN, CORP. & TTJJKK INC, DBA DO RE MI KARAOKE'S PROPOSED TRIAL EXHIBITS (P. DUBIN) (TW: 2/9/04) | | |
| | App Type: | HRG | Loc: | 1C03 |
| | Date/Time: | 01/26/2004 09:15 | Phase: | Type: CM |
| | CTRM: | | Cal Type: | App Disp: OTH |
| | Judge I.D.: | JVMARKS | Video No.: | Priority: 0 |
| | Minutes: | ***SEE "CM-A" FOR DISPOSITION*** | | |

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| Seq: 12 | App Desc: | DEFTS Y&Y HYUP SHIN, CORP., AND TTJJKK INC., DBA DO RE MI KARAOKE'S: 1) MOTION IN LIMINE NO. 1 TO BAR EVIDENCE CONCERNING DEFTS' Y&Y HYUPSHIN, CORP. & TTJJKK INC., DBA DO RE MI KARAOKE ALLEGED FAILURE TO ASSIST PLTF RICHARD TODD MOYLE. (J. PRICE) 2) MOTION IN LIMINE NO. 2 TO BAR EVIDENCE OF INJURIES INFILCTED ON PLTF RICHARD TODD MOYLE BY SIMI TUPOULA. (J. PRICE) 3) MOTION IN LIMINE NO. 3 TO ADD SIMI TUPOULA AS 3RD PART DEFT AND/OR TO RECONSIDER THE COURT'S DENIAL OF THE DEFTS' MOTION TO FILE 3RD PTY COMPLAINT FILED 7/9/2003. (J. PRICE) 4) PLTF RICHARD TODD MOYLE'S DEPOSITION DESIGNATIONS FOR TRIAL (G. DUBIN) DEFTS Y&Y HYUP SHIN, CORP., TTJJKK INC., DBA DO RE ME KARAOKE'S: 5) COUNTERDESIGNATION OF DEPOSITION OF KYONG SUK SON (J. PRICE) 6) COUNTERDESIGNATION OF DEPOSITION OF KARIN YU (J. PRICE) 7) OBJECTION TO PLTF'S EXHIBITS 1-22 (J. PRICE) |
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|---|--------------|---------------|
| App Type: MOT | Loc: 1C03 | Type: CM |
| Date/Time: 01/26/2004 09:15 | Phase: A | App Disp: DND |
| CTRM: | Cal Type: CM | Priority: 0 |
| Judge I.D.: JVMARKS | Video No.: | Audio No.: |
| Minutes: *CT REPTR: MARYBETH KUNIHIRO* CT CLK: P. NAKAMOTO ATTY GARY DUBIN F/PLTF ATTY JOHN PRICE F/DEFT 9:20 AM: CASE CALLED; APPEARANCES MADE; CT NOTED NO M/LIMINE RECVD FROM PLTF; ATTY DUBIN ACK SAME AS TRUE; CT PROCEEDED W/HRG ON DEFT'S MTNS/LIMINE NOTING INCLINATION & HEARING FUR ARG/RESPS--CT'S RULING: 1) DENIED; 2) DENIED-DISCUSS/ARG RE: JOINT TORT- FEASOR-CT WILL ALLOW DAMAGES TO COME IN; 3) GRANTED/DENIED IN PART: TUPOULA WILL NOT BE ADD'L 3RD PARTY BUT WILL BE ON SPECIAL VERDICT FORM--JUDICIAL ADMISSIONS BY PLTF AT LAST HRG-PLTFBOUND BY JUDICIAL ADMISSIONS; OBJ BY PLTF; RE: DEPO DESIGNATIONS--COUNSEL NOTED UNDERSTANDING THAT WITS SON & YU WILL BE PRESENT FOR TESTIMONY AT TRIAL--CT WILL NOT ADDRESS DESIG/COUNTERDESIG ISSUES AT THIS POINT AS WITS WILL BE PRESENT; PLTF'S EXHIBITS: PLTF'S EXHS 1 (PAGES 1 & 2) & 21 ADMITTED INTO EVID-- ALL OTHER PLTF'S EXHS MARKED FOR I.D.-NEED FOUNDATION LAYED XCEPT 22-ARGUMENT PURPOSES; CT REMINDED COUNSEL RE: DAMAGES-FLORES V. BARETTO; HO V. LEFTWICH & WALSH V. CHAN; FUR ARG BY PLTF RE: PLTF'S EXH 3--CT AGAIN NOTED NEED FOR FOUNDATION; DEFT'S EXHIBITS: DEFT'S EXHS MARKED FOR I.D.-- EXHS A-NOT ADMITTED (IMPEACHMENT PURPOSES), B & C-NOT ADMITTED (PLEADINGS IN CASE), D-NEEDS FOUNDATION/PRIOR INCONSISTENT STATEMENT & E-NOT ADMITTED (POSS JURY INSTRUCTION RE: ISSUE); CT REVIEWED PRETRIAL GUIDELINES & PRETRIAL ORDER FILED 12/2/2003; PLTF ORALLY MOVED TO EXTEND DUE DATE FROM 1/26 TO WEEK PRIOR TO TRIAL; CT NOTED TRIAL WILL START 2/10/04 @ 1:30 PM--DEADLINES TO REMAIN SAME- COUNSEL HAD AMPLE NOTICE; ATTY DUBIN NOTED PG 3 OF PRETRIAL DEADLINES- INFORMED THE COURT THAT HE "WON" THAT CASE; COUNSEL NOTED NOTHING FURTHER; 9:50 AM: MATTERS CONCLUDED. | | |

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| Seq: 13 | App Desc: | JRT/4-5/EW/VSM |
| App Type: JRT | Loc: 1CV0 | Type: WK |
| Date/Time: 02/09/2004 | Phase: | App Disp: |
| CTRM: | Cal Type: WK | Priority: 0 |
| Judge I.D.: JVMARKS | Video No.: | Audio No.: |
| Minutes: | | |

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|---------|-------------|--|------------|------|---------------|
| Seq: 14 | App Desc: | HONOLULU POLICE DEPARTMENTS MOTION TO QUASH SUBPOENA DUCES TECUM, OR, IN THE ALTERNATIVE, FOR AN IN-CAMERA INSPECTION (M. YOST) (TW: 2/9/04) | | | |
| | App Type: | MOT | Loc: | 1C03 | Type: CM |
| | Date/Time: | 02/10/2004 08:30 | Phase: | | App Disp: GRT |
| | CTRM: | | Cal Type: | CM | Priority: 0 |
| | Judge I.D.: | JVMARKS | Video No.: | | Audio No.: |
| | Minutes: | ** CT RPTR: FLORENCE FINES * CLERK: E.Y. NITTA ** GARY DUBIN FOR PLTF RICHARD LEWALLEN, CORP COUNSEL FOR CITY AND COUNTY 9:04-9:05 AM. CASE CALLED. COUNSEL MADE THEIR APPEARANCE. MR. DUBIN STATED THEY HAVE REACHED AN AGREEMENT WITH THE CITY. THE CITY WILL REDACT RECORDS. CT STATED MOTION MOOT BASED ON AGREEMENT. MR. DUBIN STATED HE THOUGHT CITY NEEDED TO FILE MOTION; MOTION SHOULD BE GRANTED. CT GRANTED MOTION; PARTIES HAVE AGREED TO REDACT NAMES OF PRIVATE INDIVIDUALS. MR. LEWALLEN TO PREPARE ORDER. | | | |
| Seq: 15 | App Desc: | JURY SELECTION AND TRIAL (TW: 2/9/04) | | | |
| | App Type: | JRT | Loc: | 1C03 | Type: CV |
| | Date/Time: | 02/10/2004 13:30 | Phase: | | App Disp: CON |
| | CTRM: | | Cal Type: | CV | Priority: 0 |
| | Judge I.D.: | JVMARKS | Video No.: | | Audio No.: |
| | Minutes: | *CT RPTR: FLORENCE FINES* CT CLK: P. NAKAMOTO ATTY GARY DUBIN F/PLTF RICHARD TODD MOYLE ATTY JOHN PRICE F/DEFTS KARIN HYONSUK YU FOR Y & Y HYUP SHIN CORP KYONG SUK SON FOR TTJKK, INC. 1:54 PM: CASE CALLED; APPEARANCES MADE; DEFT NOTED SCHEDULING MATTER RE: SETTLEMENT CONF BEFORE JG POLLACK-4:00 PM TODAY; CT WILL ACCOMMODATE; 1:55-1:57 PM: OFF RECORD-WAITING FOR PROS JURORS; 1:57 PM: CASE RECALLED; APPEARANCES MADE; CT'S LAW CLERK REPORTED 39 PROS JURORS PRESENT; CT NOTED FOR THOSE JURORS NOT PRESENT-SUBJEC TO CONFIRMATION OF EXCUSE-BENCH WARRANT TO ISSUE W/ BAIL SET AT \$100.00; 1:58-2:08 PM: CT'S WELCOME & PRELIMINARY INSTRUCT; OVERVIEW OF JURY TRIAL & SUMMARY OF CASE; 2:08 PM: VOIR DIRE OATH ADMINISTERED BY CLK; 2:11 PM: SELECTION OF 12 PROS JURORS; 2:12-2:52 PM: CT'S FUR EXPLANATION OF JURY SELEC & VOIR DIRE; 2:52-3:07 PM: RECESS; 3:07 PM: CT NOTED PROS JURORS, COUNSEL & PTYS ARE PRESENT; 3:08-3:15 PM: DEFT'S VOIR DIRE; 3:15-3:16 PM: B/C REQ/CT RE: CHALLENGES/CAUSE-NONE EXCUSED; 3:16-3:29 PM: PEREMPTORY CHALLENGES; 3:29-3:34 PM: SELECTION OF 2 ALTERNATES; A) B/C REQ/J34-NOT EXCUSED; 3:34 PM: ALTERNATE PEREMPTORY CHALLENGES-WAIVED; TRIAL OATH ADMINISTERED BY CT CLERK; CT THANKED & EXCUSED REMAINING PROS JURORS IN GALLERY W/INSTRUCT TO RETURN TO JURY POOL; INFORMED JURY 3:37-3:44 PM: CT'S FUR PRELIMINARY INSTRUCT/JURY; 3:44-3:45 PM: B/C REQ/CT RE: OPENING STMNTS-STIP TO PRESENT TOMORROW; 3:45 PM: CT INSTRUCTED JURY TO RETURN 2/11 AT 9:30AM; J33(C12) REQ TO APPROACH BENCH; 3:46-3:47 PM: B/C REQ/J33-REQ/EXCUSED W/EXPLANATION; JUROR EXCUSED; 3:48 PM: CT EXCUSED J33(C12) W/INSTRUCT FOR ALT#1 TO REPLACE--JURY EXCUSED; 3:50 PM: CT NOTED JURY NOT PRESENT, COUNSEL/PTYS ARE PRESENT; CT INQUIRED RE: PLTF'S WIT LINEUP FOR 2/11/04; RESP BY PLTF--PLTF, MS. YU & MS. SON; DEF RAISED ISSUE RE: LTR RECD FR ATTY DUBIN RE: | | | |
| Seq: 16 | App Desc: | ***FURTHER DISPOSITION-JURY TRIAL*** | | | |
| | App Type: | JRT | Loc: | 1C03 | Type: CV |
| | Date/Time: | 02/10/2004 13:30 | Phase: | A | App Disp: CON |
| | CTRM: | | Cal Type: | CV | Priority: 0 |
| | Judge I.D.: | JVMARKS | Video No.: | | Audio No.: |
| | Minutes: | OBJ TO PLTF CALLING CLIENTS--NOT NAMED IN PRETRIAL STATEMENT NOR FINAL NAMING OF WITS; ATTY PRICE NOTED MS. SON'S REQ FOR INTERPRETER--IF PLTF CALLING AS WIT--PLTF TO PROVIDE INTERPRETER; RESP BY PLTF--MS. SON INDICATED AT DEPO-TRANSLATOR NOT NEEDED--PROCEEDED; CT UNSEALED & REVIEWED DEPO OF MS. SON; ATTY PRICE CONFERRED W/MS. SON--REPRESENTED THAT MS. SON WILL PROCEED W/OUT INTERPRETER AS LONG AS QUESTIONS ARE SLOW & PLAIN LANGUAGE; CT WILL ALLOW PLTF TO CALL DEFTS EVEN THO NOT NAMED BY PLTF--FINAL NAMING OF WITS & IN LIGHT OF FACT THAT DEPO WENT FORWARD W/OUT AN INTERPRETER--CT WILL ALLOW TESTIMONY TO GO FORWARD; CT INQUIRED AS TO PLTF'S WIT FOR THURS--PLTF NOTED MAY REST TOMORROW; 3:58 PM: MATTER CONCLUDED. | | | |

| Seq: | App Desc: | ***FURTHER DISPOSITION-JURY TRIAL*** | | | |
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| App Type: | JRT | Loc: | 1C03 | Type: CV | |
| Date/Time: | 02/11/2004 09:30 | Phase: | A | App Disp: CON | |
| CTRM: | | Cal Type: | CV | Priority: 0 | |
| Judge I.D.: | JVMARKS | Video No.: | | Audio No.: | |
| Minutes: | 12:06 PM: RECESS; 1:26 PM: BACK ON REC; CT NOTED JURY NOT PRESENT, COUNSEL & PLTF ARE PRESENT; PLTF RAISED ISSUE/IN- QUIRY IF ALLOWED TO ASK ABOUT PRIOR ASSAULTS SINCE KNOWLEDGE KNOWN; CT NOTED ISSUE IS WITS' KNOWLEDGE RESP BY DEFT; CT RULED--PLTF ALLOWED TO ASK WIT SON ABOUT 2 KNOWN INCIDENTS & IF WIT KNOWS OF ANY OTHER INCIDENTS; PLTF'S OFFER OF PROOF ON RECORD; CT INQUIRED IF ANY REFERENCE IN POLICE REPTS TO MS. "SON" OR "KIM"; RESP BY PLTF; 1:37 PM: CT NOTED JURY, COUNSEL & PARTIES PRESENT; 1:37-1:40 PM: FUR SWORN TESTIMONY OF KYONG SUK SON 1:40-2:18 PM: SWORN TESTIMONY OF KARIN HYON YU, DEFENDANT (PLTF'S WIT #3-ADVERSE) 2:18-2:30 PM: RECESS; 2:18-2:19 PM: OFF REC DISCUSSION BWEEN CT/COUNSEL RE: WIT LINEUP--PLTF-NO MORE WIT; DEFT-NO ADD'L WITS; 2:30 PM: CT NOTED JURY NOT PRESENT, COUNSEL & PLTF ARE PRESENT; PLTF'S OFFER OF PROOF FOR RECORD RE: PLTF'S POSITION RE: POLICE REPORTS & WIT MS. YU-- PATTERN OF METHOD OF DOING BUSINESS; RESP BY DEFT; FUR ARG BY PLTF; DEFT'S RESP; CT RULED-NO SUBSEQUENT INCIDENTS RELEVANT-NOT ALLOWED; 2:38 PM: CT NOTED JURY, COUNSEL & PTYS PRESENT; 2:38-2:40 PM: FUR SWORN TESTIMONY OF KARIN HYON YU 2:40 PM: PLTF RESTED; CT EXCUSED JURY FOR THE DAY W/INSTRUCT TO RETURN TOMORROW (2/12/04) AT 9:30AM; 2:41 PM: CT NOTED JURY NOT PRESENT, COUNSEL & PTYS ARE PRESENT; DEFT ORALLY MOVED FOR JUDGMENT AS A MATTER OF LAW RE: LIABILITY ISSUE W/ARG; PLTF'S RESP; DEFT'S FUR ARG; CT DENIED MOTION-PRIMA FACIE CASE EST ON ISSUE OF LIABILITY; CT WILL MEET W/COUNSEL IN CHAMBERS TO GO OVER JURY INSTRUCT/SPECIAL VERDICT FORM; 2:50 PM: MATTER CONCLUDED. 2:50-3:51 PM: INFORMAL SETTLING OF JURY INSTRUCT; 3:52 PM: CASE RECALLED IN CHAMBERS FOR SETTLING OF JURY INSTRUCT ON RECORD; CT NOTED COUNSEL WAIVING PRESENCE OF THEIR CLIENTS-BOTH COUNSEL ACK SAME; 3:53-3:59 PM: SETTLING OF CT'S INSTRUCTIONS; 3:59-4:03 PM: SETTLING OF PLTF'S INSTRUCTIONS; 4:03-4:08 PM: SETTLING OF DEFT'S INSTRUCTIONS; CT NOTED VERDICT FORM REVIEWED & FINALIZED--PLTF NOTED OJBS ON RECORD; 4:10 PM: MATTER CONCLUDED-CT STANDS IN RECESS. (CT REPTR: FLORENCE FINES/CT CLK: P. NAKAMOTO) | | | | |
| Seq: | 18 | App Desc: | FURTHER JURY TRIAL (TW: 2/9/04) | | |
| App Type: | JRT | Loc: | 1C03 | Type: CV | |
| Date/Time: | 02/11/2004 09:30 | Phase: | | App Disp: CON | |
| CTRM: | | Cal Type: | CV | Priority: 0 | |
| Judge I.D.: | JVMARKS | Video No.: | | Audio No.: | |
| Minutes: | *CT REPTR: FLORENCE FINES* CT CLK: P. NAKAMOTO ATTY GARY DUBIN F/PLTF RICHARD TODD MOYLE ATTY JOHN PRICE F/DEFTS KARIN HYONSUK YU FOR Y & Y HYUP SHIN CORP KYONG SUK SON FOR TTJJKK, INC. 9:34 AM: CASE CALLED; CT NOTED JURY, PTYS & COUNSEL ARE PRESENT; 9:35-9:47 AM: PLTF'S OPENING STATEMENTS; A) COMMENTS OF ATTY DUBIN STRICKEN-JURY INSTRUCTED TO DISREGARD (ARG) 9:47-9:52 AM: DEFT'S OPENING STATEMENTS; 9:52-10:32 AM: SWORN TESTIMONY OF RICHARD TODD MOYLE, PLTF (PLTF'S WIT #1); A) COMMENTS OF WIT STRICKEN-JURY INSTRUCTED TO DISREGARD; B) B/C REQ/DEFT RE: INFLAMMATORY TESTIMONY, RESP BY PLTF--CT WILL ALLOW BRIEFLY; 10:32-10:45 AM: RECESS; 10:45 AM: CT NOTED JURY, PARTIES & COUNSEL ARE PRESENT; 10:45-11:26 AM: FUR SWORN TESTIMONY OF RICHARD TODD MOYLE, PLTF (PLTF'S WIT #1); A) DEFT'S EXH "A" USED TO REFRESH WITS' RECOLLEC 11:26-11:32 AM: RECESS AT REQ/PLTF; 11:32 AM: CT NOTED JURY, PARTIES & COUNSEL ARE PRESENT; 11:34-11:48 AM: SWORN TESTIMONY OF KYONG SUK SON, DEFT F/TTJJKK (PLTF'S ADVERSE WIT #2); 11:48 AM: JURY EXCUSED FOR MID-DAY RECESS W/IN- STRUCT TO RETURN AT 1:30 PM; 11:49 AM: CT NOTED JURY NOT PRESENT, COUNSEL & PTYS ARE PRESENT; DEFT RAISED ISSUE RE: PLTF'S INTENT TO GO INTO POLICE REPTS WHICH C & C FILED M/QUASH--OBJ REL TO 1) SUBPOENA ISSUED AFTER DISCOVERY CUTOFF; 2) NO FOUNDATION RE: SIMILAR OR SUBSTANTIALLY SIMILAR (WARSHAW DOCTRINE) & 3) COPIES NEVER GIVEN TO DEFT; RESP BY PLTF-COPIES HANDED OVER TO DEFT IN OPEN CTW/ARG; RESP BY DEFT; CT NOTED PLEADINGS FILED IN RECORD--CT NOTED 12/30/03 ORAL DEPO W/SUBPOENA TO CUST/REC W/POLICE DEPT IN VIOLATION OF DISCOVERY CUTOFF & CT'S PRETRIAL ORDER--EVEN IF NO VIOL OF DISCOVERY CUTOFF--CT WOULD STILL EXCLUDE PER RULE 403-BALANCING TEST-TRIAL BY AMBUSH-NO ADEQUATE FOUNDATION LAYED; FUR ARG/RESP BY PLTF; CT RULED PLTF NOT TO ARG NOR MENTION--PLTF'S OFFER OF PROOF FOR RECORD; | | | | |

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| Seq: 19 | App Desc: | FURTHER JURY TRIAL (TW: 2/9/04) | | |
| App Type: | JRT | Loc: | 1C03 | Type: CV |
| Date/Time: | 02/12/2004 09:30 | Phase: | | App Disp: CON |
| CTRM: | | Cal Type: | CV | Priority: 0 |
| Judge I.D.: | JVMARKS | Video No.: | | Audio No.: |
| Minutes: | *OFF RECORD, TELEPHONE CONFERENCE* ATTY GARY DUBIN F/PLTF ATTY JOHN PRICE F/DEFTS 8:07 AM: OFF REC, TELEPHONE CONF INITIATED BY THE CT RE: JURY INSTRUCTIONS-EXHIBITS; PLTF WITHDREW PLTF'S EXHS 1 & 21; STIP THAT NO INSTRUCTION NEED-ED RE: EXHIBITS; 8:08 AM: CONF CONCLUDED. ----- *CT REPTR: FLORENCE FINES* CT CLK: P. NAKAMOTO ATTY GARY DUBIN F/PLTF RICHARD TODD MOYLE ATTY JOHN PRICE F/DEFTS KARIN HYONSUK YU FOR Y & Y HYUP SHIN CORP KYONG SUK SON FOR TTJJKK, INC. 9:27 AM: CASE RECALLED; CT NOTED JURY NOT PRESENT, COUNSEL & PARTIES ARE PRESENT; CT NOTED TELEPHONE CONF W/COUNSEL HELD THIS A.M. RE: JURY INSTRUCT- EXHIBITS (PLTF'S EXHS 1 & 21)-- UNDERSTANDING THAT PLTF IS WITHDRAWING EXHS 1 & 21-ATTY DUBIN ACK SAME; RE: PLTF'S OTHER EXHS (2 THRU 20 & 22)-PLTF REQ EXHS TO REMAIN FOR PURPOSES OF APPEAL; DEFT ORALLY WITHDREW DEFT'S EXHS A THRU E; BOTH COUNSEL ACK RECEIPT OF JURY INSTRUCTIONS COPY& AGREEMENT TO COPY OF VERDICT FORM; PLTF NOTED OBJ STANDS RE: QUESTIONS 7 & 8; CT REVIEWED STD JURY DELIB PROCEDURES-BOTH COUNSEL STIP TO SAME; ATTY DUBIN NOTED THAT PLTF IS WAIV- ING HIS PRESENCE FOR VERDICT-NOT FEELING WELL; CT REVIEWED JURY COMMUNICATION PROCEDURE; PLTF NOTED FOR REC MENTION OF EXHIBITS ON PG 12 OF JURY INSTRUCT--DOES NOT OBJ TO SAME; 9:33-9:39 AM: OFF RECORD-WAITING FOR JURY; 9:39 AM: CT NOTED JURY, PTYS & COUNSEL PRESENT; 9:40-10:00 AM: CT'S CHARGE TO JURY; COUNSEL NOTED NO OBJ TO INSTRUCTIONS AS RECITED BY THE CT; 10:00-10:10 AM: RECESS; 10:10 AM: CT NOTED JURY, COUNSEL & PTYS PRESENT; 10:10-10:40 AM: PLTF'S CLOSING ARGUMENTS; 10:40-11:01 AM: DEFT'S CLOSING ARGUMENTS; 11:01-11:12 AM: PLTF'S REBUTTAL CLOSING; A) COMMENTS OF ATTY DUBIN STRICKEN-JURY INSTRUCTED TO DISREGARD; 11:12 AM: ALTERNATE (J34) THANKED/EXCUSED; CT'S FUR INSTRUCTIONS TO JURY & ADMINISTERING OF BAILIFF'S OATH-CLOSING INSTRUCTIONS NOTING IF NO VERDICT BY 4:15 PM-JURY TO RETURN TOMORROW (2/13) AT 9:30 AM--JURY SENT INTO DELIBERATIONS; COUNSEL NOTED NOTHING FURTHER-CT STANDS IN RECESS; 11:15AM | | | |
| Seq: 20 | App Desc: | ***FURTHER DISPOSITION-JURY TRIAL*** | | |
| App Type: | JRT | Loc: | 1C03 | Type: CV |
| Date/Time: | 02/12/2004 09:30 | Phase: | A | App Disp: VER |
| CTRM: | | Cal Type: | CV | Priority: 0 |
| Judge I.D.: | JVMARKS | Video No.: | | Audio No.: |
| Minutes: | 11:50 AM: JURY COMMUNICATION NO 1 RECD; 11:59 AM: COUNSEL STIP TO CT'S PROPOSED ANSWER-- ANSWER RETURNED TO JURY; 12:10 PM: JURY COMMUNICATION NO 2 RECD-VERDICT REACHED; COUNSEL INSTRUCTED TO APPEAR; ----- *CT REPTR: NIKKI BEAVER* CT CLK: P. NAKAMOTO ATTY GARY DUBIN F/PLTF ATTY JOHN PRICE F/DEFTS KARIN HYONSUK YU FOR Y & Y HYUP SHIN CORP KYONG SUK SON FOR TTJJKK, INC. 12:25 PM: CT NOTED JURY NOT PRESENT, COUNSEL & DEFTS ARE PRESENT; 12:25 PM: JURY COMMUNICATION #1 PLACED ON RECORD--BOTH COUNSEL ACKNOWLEDGED AGREEMENT W/ANSWER; 12:26 PM: JURY COMMUNICATION #2 PLACED ON RECORD; 12:27 PM: CT NOTED JURY, COUNSEL & DEFTS PRESENT; JURY FOREPERSON, VAN VO, NOTED VERDICT REACHED-- SIGNED, DATED & SUBMITTED SAME; CT REVIEWED VERDICT 12:28 PM: VERDICT READ BY CLK (IN FAVOR OF DEFTS) (%/RESP: Y&Y=0%; TTJJKK=0%; MOYLE=5%; TUPUOLA-95%) COUNSEL NOTED NO REQ FOR POLLING; CT RECD VERDICT & MADE SAME PART OF REC/FILES W/ORDER FOR JUDGMENT TO ENTER (IN FAVOR OF DEFTS) W/INSTRUCTION FOR ATTY PRICE TO PREPARE APPRO ORDERS; CT THANKED & DISCHARGED JURY; 12:30 PM: MATTER CONCLUDED. | | | |

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| Seq: 21 | App Desc: | PLTF RICHARD TODD MOYLE'S RULE 59(A),RULE 59(E)& RULE 60(B)(3) H.R.C.P. MOTION TO SET ASIDE JURY VERDICT & JUDGMENT ENTERED 3/5/2004, & FOR A NEW TRIAL & FOR SANCTIONS BASED UPON DEFTS' FRAUD UPON THE COURT & ERRONEOUS JURY INSTRUCTIONS & PREJUDICIAL VERDICT FORM (G. DUBIN) | | | | |
| | App Type: | MOT | Loc: | 1C03 | Type: | CM |
| | Date/Time: | 04/07/2004 11:30 | Phase: | | App Disp: | DND |
| | CTRM: | | Cal Type: | CM | Priority: | 0 |
| | Judge I.D.: | JVMARKS | Video No.: | | Audio No.: | |
| | Minutes: | ** CT RPTR: CHERYL DIXON * CLERK: E.Y. NITTA ** GARY DUBIN FOR PLTF JOHN PRICE FOR DEFT 11:34-11:35 AM. CASE CALLED. COUNSEL MADE THEIR APPEARANCE. CT HAS REVIEWED EVERYTHING SUBMITTED. CT'S INCLINATION: DENY MOTION; ARGUMENT MADE BY DEFENSE ARE MERITORIOUS. MR. DUBIN STATED NOTHINGMORE THAN IN THE RECORD. MR. PRICE HAS NOTHING MORE. CT DENIED MOTION. MR. PRICE TO PREPARE THE ORDER. | | | | |
| Seq: 22 | App Desc: | DEFENDANTS Y & Y HYUP SHIN, CORP. AND TTJJKK INC., BOTH DOING BUSINESS AS DO RE MI KARAOKE'S MOTION TO DISMISS PURSUANT TO HRCP RULE 41(B) (K. KOGACHI) | | | | |
| | App Type: | DSM | Loc: | 1C10 | Type: | CM |
| | Date/Time: | 03/21/2012 10:00 | Phase: | | App Disp: | |
| | CTRM: | | Cal Type: | CM | Priority: | 0 |
| | Judge I.D.: | JRNISHIMUR | Video No.: | | Audio No.: | |
| | Minutes: | COURT REPORTER: CHERYL DIXON CLERK: K. OTSUKA PRESENT: GARY DUBIN FOR PLAINTIFF KAREN KOGACHI FOR DEFTS Y & Y HYUP SHIN 10:22-10:25A CASE CALLED W/APPEARANCES MADE BY COUNSEL. BASED ON LACK OF JURISDICTION, THE MOVANT WILL WITHDRAW ITS MOTION WITHOUT PREJUDICE. | | | | |

HUGHES STORM & ASSOCIATES

Attorneys at Law • A Law Corporation

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May 23, 2017

Via Hand Delivery

Jane S. Preece, Esq.
Office of Disciplinary Board
201 Merchant Street, Suite 1600
Honolulu, Hawaii 96813

✓ Gary Victor Dubin, Esq.
Harbor Court
55 Merchant Street, Suite 3100
Honolulu, Hawaii 96813

Re: Office of Disciplinary Counsel vs. Gary Victor Dubin
(ODC Nos. 16-0-213, 16-0-151, 16-0-147, and 16-0-326)

Dear Counsel:

At our recent pre-hearing conference, Mr. Dubin raised a "conflict of interest" arising from an active matter between his office and mine. That case is Moyle vs. Y&Y Hyup Shin Corp. After the case returned to the Circuit Court system from an appeal, my office attempted to return the matter to the docket, unsuccessfully. In support of the inactive posture of the case are March 16, 2012 Reply Memorandum and report on status to the handling adjuster on March 27, 2012. Those are the most current communications on this matter. I understand that since the spring of 2012, there has been no activity in the matter.

Thank you.

Very truly yours,


ROY F. HUGHES
rughes@HSA-HI.com
(808) 526-9744, ext. 104

RFH:jt

Enclosures

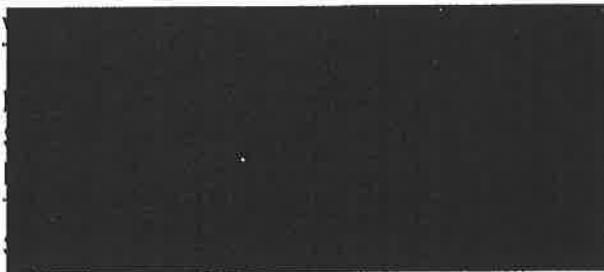
HUGHES RICHARDS & ASSOCIATES

Attorneys at Law • A Law Corporation

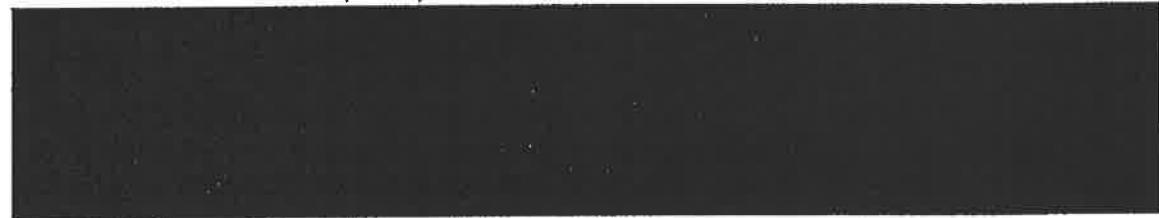
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March 27, 2012

ATTORNEY-CLIENT PRIVILEGED AND CONFIDENTIAL COMMUNICATION



RE: Richard Todd Moyle v. Y & Y Hyup Shin, Corp., et al.
Civil No. 01-1-2749-09 (VSM)



STATUS REPORT

Please allow this to serve as a status report concerning which have recently transpired in the above-captioned matter.

I. BACKGROUND

On the evening of September 18, 1999 until approximately 4:00 a.m. on September 19, 1999, Richard Todd Moyle patronized The Irish Rose, a bar in Waikiki where he consumed "a few drinks," i.e., 3-4 vodka drinks. The Irish Rose closed at 4:00 a.m. on September 19, 1999 at which time, Moyle and a tourist from London whom he had befriended at The Irish Rose, took a taxi to Do Re Mi Karaoke ("Do Re Mi") located at 1540 Makaloa Street and Keeaumoku Street in Honolulu arriving at approximately 4:20 a.m. Moyle spent approximately two (2) hours at Do Re Mi where he consumed approximately 3-4 Bud Light beers which he got from a blue and white cooler.¹ At Do

¹ Do Re Mi is an after-hours karaoke club with separate individual rooms equipped with karaoke equipment. The rooms are rented to patrons. The Club reportedly serves no alcohol, but patrons were

Re Mi, he met another patron, Simi Tupuola ("Tupuola") and his friend, identified only as "Ola." According to the interview conducted by the Honolulu Police Department ("HPD") on September 19, 1999, Moyle stated that he, Tupuola and Ola and a group of other patrons sat around, singing, listening to music, talking and laughing. He stated that Tupuola was especially interested in Moyle's gold Rolex watch worn on Moyle's left arm and diamond ring on Moyle's left ring finger inquiring whether the jewelry was expensive to which Moyle, "Yes, very expensive."

Sometime around 6:30 a.m., Do Re Mi was closing and the patrons were asked to leave through the back door leading into the parking lot (the same door through which Moyle and his friend from London had entered). As Moyle exited the back door, Tupuola was directly behind him. Once in the parking lot, Moyle suddenly found himself on the ground with Tupuola over him, punching him across the head and face. Tupuola then quickly began removing Moyle's gold watch and diamond ring and about \$50 in cash from Moyle's right, front pants pocket. Tupuola fled the scene with his friends in a brown Toyota. Moyle crawled to the back door of Do Re Mi where Ms. Kyong Suk Son, the owner/proprietor of Do Re Mi, apparently opened the back door, saw Moyle bleeding on the ground, and concluded that Moyle just wanted to cause trouble so she shut the door without calling for either police or medical assistance. Eventually, Moyle was taken to Queen's Medical Center where he was treated for a laceration of his right elbow, missing tooth and fractured jaw that required surgery.

According to the HPD reports, Moyle's Rolex watch was sold to The Gold Place (91-787 Papipi Place in Waipahu), and the diamond ring was sold to The Family Pawnshop (94-220C Leokane Street in Waipahu) on 09/28/99. According to HPD, an individual identified as Zane Peter Canoy got the watch from a female identified only as "Lei" who asked whether he [Canoy] could pawn the watch. Canoy went to The Gold Place, negotiated with a male employee and sold the watch for \$750.00. He gave the \$750.00 to Lei who paid Canoy \$20.00 for the transaction. The Rolex was recovered and returned to Moyle. The diamond ring recovered from The Family Pawnshop was NOT Moyle's ring. It could not be determined if there was any connection between "Lei" and Tupuola.

A. Criminal Trial

Based on Moyle's identification from a photo line-up, Tupuola was arrested for Robbery 2° on 09/30/99 at the corner of South/Queen Streets in Honolulu. His employment is listed as a trainer at 24 Hour Fitness. The jury returned a verdict of guilty and Tupuola

permitted to bring their own liquor to Do Re Mi which presumably was one of the coolers brought in by a patron from which Moyle got his beers.

March 27, 2012

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was sentenced by Judge Victoria Marks to 20 years with a 10-year minimum under the repeat offender statute. It appears that Tupuola may still be incarcerated in the event he needs to be served with process in connection with the civil trial on remand.

B. Civil Trial and Appeals

The civil jury trial began on February 11, 2004 before Judge Victoria Marks (who also presided over the criminal trial). At trial, Ms. Kyong Suk Son and Ms. Karin Yu² were called as adverse witnesses by Plaintiff. Plaintiff's counsel tried to use police reports to show other "police incidents" at Do Re Mi to establish it was a dangerous place that needed security. Defense objections were sustained and the reports were NOT used. On re-direct, Ms. Son and Ms. Yu testified that except for a few noise complaints, there was no prior history of either assaults and/or robberies occurring at Do Re Mi. Because they did NOT think their clientele were "troublemakers," there was never any need to hire security or bouncers on the premises during business hours. Ms. Yu testified she was at Do Re Mi until just before the incident. Based on her observation, she testified there was no sign of any problem, including any problem between Moyle and Tupuola.

Of significance, NO doctors and/or treating physicians were called to testify regarding the nature and extent of Plaintiff's injuries. Nor were any medical bills admitted into evidence in support of Plaintiff's claim for special damages. Based on the utter lack of evidence either proffered or admitted into evidence, Moyle could not recover any special damages, damages for any future pain or treatment, wage losses or punitive damages.

Once Plaintiff rested, the defense immediately moved for a directed verdict. Although Judge Marks stated she was "sorely tempted" to grant the defense motion, she ultimately played it safe since directed verdicts are easier to appeal than jury verdicts.

Based on his criminal conviction and as the liable tortfeasor, Tupuola, a non-party to the civil action, was included on the verdict form for allocation purposes. The jury returned a verdict as follows:

| | |
|-----|---------------------|
| 0% | Y&Y Hyup Shin Corp. |
| 0% | TTJJKK Inc. |
| 5% | Moyle |
| 95% | Tupuola |

² Kyong Suk Kim was the owner of TTJJKK, Inc., and owned the club from 1993 until approximately 1999. Karin Hyon Suk Yu was an owner of Y& Y Hyup Shin Corp. which purchased the club at some point between 1999 and September 2000.

March 27, 2012

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The jury also found Moyle's damages to be \$0.00. Judgment was entered and filed on March 5, 2004.

C. Post-Trial Motions

On March 15, 2004, Moyle filed a motion requesting that the circuit court set aside the judgment, grant new trial and impose sanctions on Do Re Mi. On April 20, 2004, the circuit court denied the motion. On May 19, 2004, Moyle filed a timely notice of appeal.

D. Appeal to the Hawaii Intermediate Court of Appeals

On November 8, 2007, the Intermediate Court of Appeals ("ICA") issued a published opinion affirming the circuit court's judgment. On November 28, 2007, the ICA filed its judgment on appeal.

A month later on December 31, 2004, Moyle's suffered fatal injuries in a motorcycle accident. Notwithstanding Plaintiff's allegations, no objective, medical evidence has ever been produced supporting the claim that Moyle was suffering from a "weakened immune system," as a result of the beating he sustained at Do Re Mi at the time of his death.

On February 21, 2008, a timely application for writ of certiorari was filed on behalf of Moyle with his brother, Roger Scott Moyle, "substituted as plaintiff-appellant by order of this court December 21, 2004."³

E. Appeal to the Hawaii Supreme Court

The Supreme Court accepted the application of certiorari on March 4, 2008 and heard oral argument on July 3, 2008. In a published opinion, the Supreme Court vacated the judgment of the ICA entered on November 23, 2007 affirming the circuit court judgment entered on March 5, 2004. The case was remanded for further proceedings consistent with the Court's opinion. The Supreme Court filed its judgment on appeal on October 27, 2008.

³ See Amended Opinion of the Supreme Court, State of Hawaii at fn. 1 at p. 1 filed on September 11, 2009.

March 27, 2012

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II. CASE ON REMAND

Attempts by the defense to obtain a new trial date were unsuccessful with the Court advising that assignment of a new trial date was conditioned upon Plaintiff taking the necessary steps to return the case to the ready trial calendar. Accordingly, several attempts were made to contact Plaintiff's counsel which counsel apparently elected to ignore. Plaintiff's failure and/or refusal to take the necessary affirmative action to get the case returned to the ready trial calendar for re-trial following reversal and remand by the Hawaii Supreme Court precipitated a defense Motion to Dismiss for Failure to Prosecute which was fully briefed by the parties.

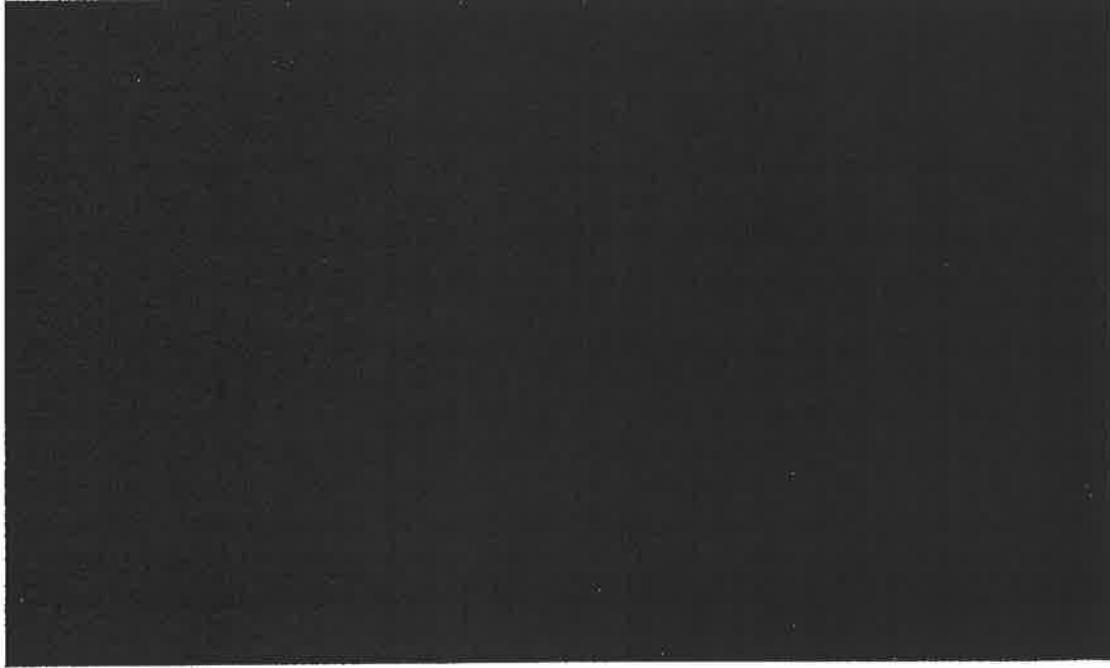
At the hearing on the motion before Judge Rhonda Nishimura, she clearly had read the moving papers and was fully apprised of the three (3) year delay following remand with no trial date. She further advised that because the necessary action had NOT been undertaken by Plaintiff to perfect assertion of jurisdiction by the Circuit Court including, spreading of death record and substitution of parties by Moyle's designated representative as required by HRCP Rule 25, she had no jurisdiction to enter any orders, including assignment of a trial date unless and until Plaintiff completed the necessary steps to return jurisdiction to the Circuit Court. It thus appears the "ball is in Plaintiff's court" for now.

March 27, 2012

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100-46-8379-1

III. ACTION PLAN



IV. CONCLUSION

We will continue to keep you apprised of any further developments concerning this case. In the interim, should you have any questions, please do not hesitate to contact us.





Gary Victor Dubin <gdubin@dubinlaw.net>

Fwd: Richard Moyle's pending lawsuit

Gary Victor Dubin <gdubin@dubinlaw.net>

To: Roy Hughes <roy@hca-hi.com>

Cc: Roger Moyle <rmoyle@new.rr.com>

Bcc: gdubin@dubinlaw.net, farensmeyer@dubinlaw.net, jwaihee@dubinlaw.net

Thu, Jan 3, 2019 at 7:47 PM

Mr. Hughes:

Richard Moyle's Brother Roger telephoned me yesterday informing me that the family would like to close his Brother's case, and has emailed me, see below, requesting that I make the settlement offer below to your clients to close the case.

This offer will remain open for 14 days from today.

Please recall that the Hawaii Supreme Court ordered that your clients pay several thousand dollars in appellate costs, yet according to my case records those costs as yet have not been paid, prompt payment of which at the very least would be very much appreciated. Please advise.

Gary Dubin

Gary Victor Dubin
Dubin Law Offices
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55 Merchant Street
Honolulu, Hawaii 96813

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Facsimile: (808) 523-7733
Email: gdubin@dubinlaw.net

Licensed in California and Hawaii

Begin forwarded message:

From: <rmoyle@new.rr.com>
Date: January 2, 2019 at 7:21:28 PM HST
To: gdubin@dubinlaw.net
Subject: Richard's pending lawsuit

Hello Gary ,

As per our conversation on 1/2/19, I, Roger Moyle give you , Gary Dubin, attorney, authorization to seek \$50,000.00 for settlement in Richard's open case.

Best Regards, Roger



Gary Victor Dubin <gdubin@dubinlaw.net>

Moyle

Gary Victor Dubin <gdubin@dubinlaw.net>

To: Roy Hughes <roy@hca-hi.com>

Bcc: jwaihee@dubinlaw.net, gdubin@dubinlaw.net

Fri, Jan 4, 2019 at 11:14 PM

Mr. Hughes:

Thank you for your prompt response regarding settlement.

I disagree with your recollection regarding the Court's ruling, and the Court Minutes do confirm that Judge Nishimura did not rule based on lack of prosecution, but based on "lack of jurisdiction" at that time.

Nevertheless, the important point is that if mutually agreeing on settlement terms, we will be easily able to resolve the closing issues you have appreciatively identified.

The Moyle family would simply like to close the case and will indemnify your client accordingly plus my office as attorneys of record will dismiss the case with prejudice.

Richard had hundreds of thousands of dollars in damages, but I don't believe that any of the parties are looking forward to the expense of another trial.

We are trying to honestly be reasonable.

I look forward to your client's response.

Gary Dubin

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Licensed in California and Hawaii



Gary Victor Dubin <gdubin@dubinlaw.net>

Moyle

Roy Hughes <Roy@hca-hi.com>
To: Gary Victor Dubin <gdubin@dubinlaw.net>
Cc: Jan Tomimbang <jan@hca-hi.com>

Mon, Jan 7, 2019 at 9:03 AM

Thank you for the e-mail response of Friday, January 4, 2019. On a further review of the docket, I agree that Judge Nishimura declined to hear the pending motion of my office based a "lack of jurisdiction". The jurisdictional issue has not been resolved; and, I look forward to your legal explanation on obtaining a dismissal of the action, which I shall pass along to the carrier. Importantly, this matter has been inactive for such a length of time, I have directed your inquiry to the claims manager as well as the adjuster handling this matter in March 2012, the last communication on the matter which was some 6 years ago. I cannot say when I shall receive a response to my letter inquiry; however, I shall follow up with a call to the company this week to follow up on my letter to them. Thank you.

Roy F. Hughes, Esq.
Hughes Campbell & Associates
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[Quoted text hidden]



Gary Victor Dubin <gdubin@dubinlaw.net>

Moyle

Gary Victor Dubin <gdubin@dubinlaw.net>

Mon, Jan 7, 2019 at 8:59 PM

To: Roy Hughes <Roy@hca-hi.com>

Cc: Jan Tomimbang <jan@hca-hi.com>, John Waihee <jwaihee@dubinlaw.net>

Bcc: gdubin@dubinlaw.net

Mr. Hughes:

It seems to me that were we to simply file a stipulation for dismissal with prejudice of all claims and all parties that would do it.

I will meanwhile check with Roger Moyle to confirm that his Brother Richard was unmarried without children and that Roger is the only surviving family member, both parents deceased.

Meanwhile, can we please get payment of the cost judgment plus statutory interest. Those are my appellate costs.

Gary Dubin

Gary Victor Dubin
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[Quoted text hidden]



Gary Victor Dubin <gdubin@dubinlaw.net>

Moyle v Do Ri Mi

Roy Hughes <Roy@hca-hi.com>
To: Gary Victor Dubin <gdubin@dubinlaw.net>
Cc: Jan Tomimbang <jan@hca-hi.com>

Wed, Jan 16, 2019 at 8:39 AM

FYI, the carrier on this has been contacted; however, to date, no adjuster has contacted this office as respects the proposal from your office. However, my view is that any disposition involves your termination of proceedings filed. Thank you.

Roy F. Hughes, Esq.

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Gary Victor Dubin <gdubin@dubinlaw.net>

Moyle v Do Ri Mi

Roy Hughes <Roy@hca-hi.com>
To: Gary Victor Dubin <gdubin@dubinlaw.net>
Cc: Jan Tomimbang <jan@hca-hi.com>

Fri, Feb 8, 2019 at 4:10 PM

The adjuster handling this claim advised that decedent's brother needs to be appointed as personal representative before negotiations on settlement are to be undertaken to resolve this matter. Thank you.

Roy F. Hughes, Esq.

Hughes Campbell & Associates

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Honolulu, Hawaii 96813

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