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HAWAIIAN PARADISE PARK OWNERS

ASSOCIATION, KARIN HOFFMAN

and JEFFREY FINLEY

Electronically Filed

THIRD CIRCUIT

3CCV-23-0000302

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Dkt. 188 JPR

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

NICOLE CRAIG, as an individual and as
Trustee of the Revocable Living Trust of
Nicole L. Craig,

Plaintiff,

vs.

HAWAIIAN PARADISE PARK
OWNERS ASSOCIATION, a Hawai'i
nonprofit corporation, KARIN
HOFFMAN, as an individual and HPPOA
Director, JEFFREY FINLEY, as an
individual and HPPOA Director, and
DOES 1-50, inclusive,

Defendants.

Civil No. 3CCV-23-0000302 (Hilo Division)
(Declaratory Judgment)

PARTIES' JOINT REPORT; CERTIFICATE
OF SERVICE

Scheduling Conference

Date: February 14, 2025

Time: 10:40 a.m.

Judge: Hon. Henry T. Nakamoto

TRIAL DATE: NONE

JUDGE: Hon. Henry T. Nakamoto

HAWAIIAN PARADISE PARK
OWNERS ASSOCIATION, a Hawai'i
nonprofit corporation, KARIN
HOFFMAN, as an individual and HPPOA

Director, JEFFREY FINLEY, as an individual and HPPOA Director, and DOES 1-50, inclusive,

Third Party Plaintiffs,

vs.

WATUMULL INVESTMENT CO., LLC,

Third Party Defendant.

638-050

PARTIES' JOINT REPORT

Plaintiff NICOLE CRAIG; Defendants and Third Party Plaintiffs HAWAIIAN PARADISE PARK OWNERS ASSOCIATION, KARIN HOFFMAN, and JEFFREY FINLEY; and Third Party Defendant WATUMULL INVESTMENT CO., LLC hereby submit their Joint Report pursuant to the Court's *Amended Order Setting Scheduling Conference*, entered January 2, 2025 [Dkt. 179].

On January 24, 2025, a meeting with the Plaintiff, counsel for Defendants - Third Party Plaintiffs, and counsel for Third Party Defendant was held in accordance with Rule 26(f)(2) of the Hawai'i Rules of Civil Procedure (HRCPP) and Rule 12(a)(6)(B) of the Rules of the Circuit Courts of the State of Hawai'i (RCCH). Nicole Craig appeared on behalf of herself. Barron Oda, Esq. appeared on behalf of Defendants - Third Party Plaintiffs. Kurt Leong, Esq. appeared on behalf of Third Party Defendant WATUMULL INVESTMENT CO., LLC ("Third Party Defendant" or "Watumull").

A. Relevant Procedural History

On August 15, 2023, Plaintiff filed her Complaint [Dkt. 1].

On November 8, 2023, the Court entered its original Scheduling Order [Dkt. 84] and set a

trial date of January 27, 2025.

On November 9, 2023, Plaintiff filed her First Amended Complaint [Dkt. 86].

On November 17, 2023, Defendants and Third Party Plaintiffs filed their Answer to Plaintiff's First Amended Complaint and their Third Party Complaint against Third Party Defendant [Dkt. 92].

On May 2, 2024, Third Party Defendant was served with the Third Party Plaintiffs' Summons and Third Party Complaint [Dkt. 147].

On October 25, 2024, Third Party Defendant filed its Answer to the Third Party Complaint [Dkt. 165].

On October 25, 2025, the Parties submitted a *Proposed Stipulation to Vacate Trial Date, and to Set Trial Setting Status Conference* [Dkt. 167].

On October 29, 2024, the Court entered the *Stipulation to Vacate Trial Date, and to Set Trial Setting Status Conference* [Dkt. 175].

On January 2, 2025, the Court entered its *Amended Order Setting Scheduling Conference*.

B. Disclosures under HRCP 26(a):

Initial Disclosures – HRCP 26(a)(1):

Plaintiff and Defendants – Third Party Defendants have made their initial disclosures. Third Party Defendant's initial disclosures are outstanding. Third Party Defendant will make its initial disclosures as soon as possible.

Expert Disclosures – HRCP 26(a)(2):

Plaintiff's expert disclosure deadline was September 27, 2024. Plaintiff did not disclose an expert. Defendants' expert disclosure deadline was October 29, 2024. Defendants-Third-Party Plaintiffs submitted an expert report [Dkt. 177]. The *Stipulation to Vacate Trial Date, and*

to Set Trial Setting Status Conference stayed all unexpired deadlines as of the date of its submission (October 25, 2024). As of today, Plaintiff's expert disclosure deadline has passed and Defendants' expert disclosure deadline is stayed, and Third Party Defendant Watumull's expert disclosure deadline is also stayed.

Plaintiff intends to request the Court reset all pre-trial deadlines consistent with the new trial date. Defendants – Third Party Plaintiffs intend to request the Court keep all expired deadlines closed, as to Plaintiff only, since Third Party Defendant Watumull is a late addition to this case. Third Party Plaintiff and Third Party Defendant Watumull are in favor of resetting the unexpired, stayed expert disclosure deadline, for both Third Party Plaintiffs and Third Party Defendant Watumull, and re-setting all other pre-trial deadlines consistent with the new trial date.

C. Discovery:

The discovery cutoff is stayed [Dkt. 175]. All parties are in favor of resetting discovery deadlines, except for the disagreement between Plaintiff and Defendants – Third Party Plaintiffs concerning reopening expired discovery deadlines (*i.e.*, Plaintiff's Final Naming of Witnesses and Expert Disclosure deadlines). The parties met and conferred on this issue during their meeting on January 24, 2025, but could not reach agreement. The Parties request that the Court determine whether the expired pre-trial deadlines as of October 25, 2024 will be re-set.

Plaintiff and Defendants – Third Party Plaintiffs have both agreed to provide Third Party Defendant Watumull with electronic copies of all discovery previously exchanged, as well as their prior Disclosures.

D. Changes, if any, to be Made in Limitations on Discovery: (parties should discuss and report on whether any changes should be made to the limitations on discovery set forth in the

HRCP or the RCCH, and any other limitations that should be imposed):

The parties did not identify any other changes to be made in limitations of discovery.

E. Other Orders: (parties should report on whether there are any other orders that the court should issue under HRCP 26(c) or under HRCP 16(b) and (c)):

None.

F. Other Matters: (parties should report on whether they are amenable to ADR; and any other miscellaneous matter they believe is relevant to the scheduling conference with court):

The Parties discussed with each other their openness to participating in an early settlement conference. The parties wish to discuss with the Court the possibility of participating in an early settlement conference.

DATED: Honolulu, Hawai‘i, February 7, 2025.

/s/ Barron T. Oda
JAMES SHIN
JAMES R. FERGUSON
BARRON T. ODA
Attorneys for Defendants – Third Party Plaintiffs
HAWAIIAN PARADISE PARK OWNERS
ASSOCIATION, KARIN HOFFMAN
and JEFFREY FINLEY

Approved as to form:

/s/ Nicole Craig
NICOLE CRAIG
Plaintiff *pro se*

Approved as to form:

/s/ Kurt K. Leong
JEFFREY DANIEL LAU
KURT K. LEONG
Attorneys for Third Party Defendant
WATUMULL INVESTMENT CO., LLC

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Third-Party Plaintiffs,

vs.

WATUMULL INVESTMENT CO., LLC,

Third-Party Defendant.

Civil No. 3CCV-23-0000302 (Hilo Division)
(Declaratory Judgment)

CERTIFICATE OF SERVICE

638-050COS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was duly served by
depositing the same in the United States Mail, postage prepaid [M], hand-delivery [HD],
facsimile transmission [F], electronic mail [EM], or Judiciary Electronic Filing System [JEFS] to
the following on February 7, 2025:

NICOLE CRAIG
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[J]

In Pro Per for Plaintiff
NICOLE CRAIG

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[J]

Attorney for Third-Party Defendant
WATUMULL INVESTMENT CO., LLC

DATED: Honolulu, Hawai'i, February 7, 2025.

/s/ Barron T. Oda
JAMES SHIN
JAMES R. FERGUSON
BARRON T. ODA
Attorneys for Defendants
HAWAIIAN PARADISE PARK OWNERS
ASSOCIATION, KARIN HOFFMAN,
and JEFFREY FINLEY