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In Pro Per for Plaintiff
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**Electronically Filed
THIRD CIRCUIT
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IN THE CIRCUIT COURT OF THE THIRD DISTRICT

STATE OF HAWAI'I

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

Plaintiff,

v.

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.

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,

v.

WATUMULL INVESTMENT CO., LLC,

Third-Party Defendant.

Civil No. 3CCV-23-302
(Declaratory Judgment)

**PLAINTIFF'S SCHEDULING
CONFERENCE STATEMENT**

Trial Date: None
Judge: Hon. Henry T. Nakamoto

SCHEDULING CONFERENCE STATEMENT
OF PLAINTIFF

Pursuant to Rule 12(a)(7) of the Rules of Circuit Courts of the State of Hawai'i (RCCH), PLAINTIFF Nicole Craig submits the following Scheduling Conference Statement.

A. BRIEF DESCRIPTION OF THE CASE

Plaintiff alleges that defendant HPPOA misused annual road maintenance fees in violation of the HOA Bylaws, that defendants have violated deed restrictions on land, that the HOA is acting under HRS 421J which does not apply to it, and that defendants FINLEY and HOFFMAN breached their fiduciary duty to plaintiff.

HPPOA filed a third-party complaint against Third Party Defendant WATUMULL, the grantor of the land at issue, claiming that the express deed restrictions should be revised or voided, in an attempt to defend against the fact that they did, indeed, violate the deeds.

In addition to monetary damages, plaintiff is seeking declarations that HRS 421J does not apply to HPPOA because it is not a "planned community" within the definitions of the law, a declaration that defendants have and may not again violate the deed restrictions on the subject land, and that defendants were not entitled to, and cannot, use road funds collected from owners for any purpose other than for road maintenance.

B. STATEMENT OF JURISDICTION AND VENUE

HPPOA is a non-profit corporation doing business in Puna District, County of Hawai'i, and plaintiff is a resident therein, and the acts and omissions occurred in this Judicial Circuit.

C. JURY TRIAL

Plaintiff and Defendants demanded a jury trial.

D. NON-EXPEDITED TRACK

There are no factors existing that would merit an expedited track in this case.

E. TIMING OF DISCLOSURES

Plaintiff has provided disclosures pursuant to HRCP 26.

F. DISCOVERY STATUS

Discovery is continuing. There are no current motions pending.

G. SPECIAL PROCEDURES OR MATTERS NOT ADDRESSED IN JOINT STATEMENT

Defendants HPPOA, FINLEY and HOFFMAN intend to ask the Court to not reset all discovery deadlines under a mistaken belief that plaintiff missed deadlines. She did not, however. She had no additional witnesses that she had not already disclosed in discovery and therefore had no requirement to file a Final Witness List. In addition, she does not anticipate calling an expert, and therefore had no requirement to disclose an expert and serve an expert report.

However, it would not serve the interests of justice to refuse to reset plaintiff's deadlines to comport with the new trial date. This is particularly true since HPPOA, FINLEY and HOFFMAN waited almost six months to serve WATUMULL with their Third Party Complaint, and then allowed WATUMULL over five months to file a responsive pleading. In addition, HPPOA, FINLEY and HOFFMAN have not required WATUMULL to serve initial discovery in this matter. Plaintiff has a right to list any newly discovered witnesses that WATUMULL identifies on the deed issue. In addition, there may be a situation where the plaintiff and WATUMULL decide to share an expert. By dragging their heels in the WATUMULL matter, and then arguing that plaintiff should be cut off from disclosing new witnesses or expert, HPPOA, FINLEY and HOFFMAN would like to win this case based solely on gamesmanship, and not on merit.

Based on the above, and in the interest of justice, plaintiff requests this court to reset all deadlines for all parties based on the new trial date.

H. RELATED CASES

Not applicable.

I. ANY ADDITIONAL MATTERS

None.

J. MEET AND CONFER

The undersigned certifies that the parties conferred at least 21 days prior to the scheduling conference. A Joint Scheduling Conference Statement was agreed on and was to be filed by Defendants.

DATED: Morgan Hill, California, [DATE].

/S/ Nicole Craig
NICOLE L CRAIG