

Of Counsel:
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Attorneys for Third-Party Defendant
WATUMULL INVESTMENT CO., LLC

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 and DOES 1-20, 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 and DOES 1-20, inclusive,

Third-Party Plaintiffs,

vs.

WATUMULL INVESTMENT CO., LLC,

Third-Party Defendant.

CIVIL NO. 3CCV-23-0000302 (Hilo Division)
(HTN) (Declaratory Judgment)

**THIRD PARTY DEFENDANT WATUMULL
INVESTMENT CO., LLC'S SCHEDULING
CONFERENCE STATEMENT;
CERTIFICATE OF SERVICE**

Scheduling Conference:

Date: February 14, 2025

Time: 10:40 a.m.

Judge: Honorable Henry T. Nakamoto

(No trial date)



**THIRD PARTY DEFENDANT WATUMULL INVESTMENT CO., LLC'S
SCHEDULING CONFERENCE STATEMENT**

Comes now, Third Party Defendant WATUMULL INVESTMENT CO., LLC, (hereinafter referred to as "Third Party Defendant WATUMULL" or "Watumull"), by and through its undersigned attorneys, and hereby submits its Scheduling Conference Statement.

I. SHORT STATEMENT OF THE NATURE OF THE CASE

This lawsuit is primarily a dispute between Plaintiff NICOLE CRAIG ("Owner"), the owner of a lot in Hawaiian Paradise Park ("HPP"), and Defendant HAWAIIAN PARADISE PARK OWNERS ASSOCIATION ("Owners Association"). Third Party Defendant WATUMULL was brought into this case via a Third Party Complaint filed by the Owners' Association (and its two co-Defendants).

Complaint: As a brief summary of the Complaint between the Owner and the Owners Association, the Owners Association wants to use 3 parcels of land to install "cluster mailboxes." The Owner sued the Owners Association to stop the cluster mailboxes, alleging that they are prohibited by Deed restrictions (as well as that the Owners Association is improperly using roadway funds). The 3 subject parcels were deeded almost 50 years ago to the Owners Association's apparent predecessor-in-interest by Watumull Investment Co.'s apparent predecessor in interest, Hawaiian Paradise Park Corp., in 1977. The Deeds contained restrictions that the parcels would only be used for park, playground, recreational, or school uses, and not for residential, commercial, or business use.

Third Party Complaint: In an apparent attempt to circumvent the Owner's Deed Restrictions argument, the Owners Association filed the Third-Party Complaint seeking to void the 1977 Deed Restrictions. The Owners Association is now arguing that the restrictions in the Deeds that they pushed for, negotiated, and obtained court approval for, almost 50 years ago, prevent or stifle competition, create a commercial monopoly, constitute unfair and deceptive acts

or practices, are against public policy, are unlawful, and there is no reason to maintain the restrictions.

Watumull asserted a number of affirmative defenses in its Answer to the Third Party Complaint, including but not limited to: Res Judicata, Improper Collateral Attack, Settlement Agreement, Breach of Contract, Statute of Limitations, Laches and/or unreasonable delay, Failure to join necessary or indispensable parties, and several other affirmative defenses.

II. JURISDICTION AND VENUE

The Third Party Complaint does not cite the basis for jurisdiction and venue.

III. JURY TRIAL

Defendants/Third Party Plaintiffs filed a Demand for Jury Trial on November 17, 2023, which is about 3 months after they made their initial appearance in the case. It is unclear whether the Demand for Jury Trial was filed on a timely basis.

IV. NON-EXPEDITED TRACK

The case should be assigned to a non-expedited track under HRCP Rule 16.1.

V. DISCLOSURES

Plaintiff and Third Party Defendants have agreed to provide copies of their Disclosures to Watumull's counsel, and Watumull's counsel will be serving Disclosures as well.

VI. DISCOVERY AND MOTIONS

Watumull's counsel is not aware of any pending motions or hearings at this time, other than the pending Scheduling Conference. Plaintiff and Third Party Defendants have agreed to provide copies of their discovery previously exchanged to Watumull's counsel.

VII. SPECIAL PROCEDURES OR OTHER MATTERS

Not applicable.

VIII. RELATED CASES

Paradise Hui Hanalike, et. al. vs. Hawaiian Paradise Park Corporation and County of Hawaii, Circuit Court of the Third Circuit, State of Hawaii, Civil No. 3646 (final Order and Judgment, dismissing all claims with prejudice, filed July 7, 1977).

IX. ADDITIONAL MATTERS

Not applicable.

X. CONFERENCE OF THE PARTIES

Counsel for Watumull certifies that the parties held a conference of the parties on or about January 24, 2025.

DATED: Honolulu, Hawaii, February 7, 2025.

Of Counsel:
Jeffrey Daniel Lau & Associates
Attorneys at Law LLC

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

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CERTIFICATE OF SERVICE

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The undersigned hereby certifies that a copy of the foregoing will be served upon the
following parties by electronic filing, on the date of filing hereof:

Carol Kaneshige (carol.s.kaneshige@courts.hawaii.gov)
Barron T. Oda (boda@rlhlaw.com)
James Richard Ferguson (jferguson@rlhlaw.com)

Attorneys for Defendants/Third Party Plaintiffs
HAWAIIAN PARADISE PARK OWNERS ASSOCIATION, KARIN HOFFMAN, and
JEFFREY FINLEY

NICOLE CRAIG (nicole@nicolecraiglaw.com)

Plaintiff
In Pro Per

DATED: Honolulu, Hawaii, February 7, 2025.

Of Counsel:
Jeffrey Daniel Lau & Associates
Attorneys at Law LLC

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