

FILED

cc: D. Farmer, Atty/B. Arthurs
M. Luke, Atty/F. Wirick
D. Harada-Stone, Atty/R. Turner
L. Ashida, Atty/Orchidland Comm. Asso.
✓C. Perez-Mesa Jr., Atty/Stoner, Green,
Wewer and Akana

2018 APR 11 AM 9:44

STATE OF HAWAII
CIRCUIT COURT OF
THE THIRD CIRCUIT

CLERK **K. SCHUBERT**

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

BARBARA ARTHURS,

Plaintiff,

vs.

FREDERIC B. WIRICK; RICKY TURNER;
DONALD J. STONER; TEGEN A. GREENE;
ELIZABETH M. WEWERS and GERALD A.
AKANA,

Defendants,

and

ORCHIDLAND COMMUNITY
ASSOCIATION, INC.

Nominal Defendant.

) CIVIL NO. 15-1-0238
) (Other)

) ORDER REGARDING MARCH 1, 2018
) COURT PROCEEDINGS

I hereby certify that this is a true and correct
copy of the original on file in this office.



Clerk, Third Circuit Court, State of Hawaii

) HEARINGS:

) DATE: March 1, 2018

) TIME: 8:30 a.m.

) JUDGE: Hon. Greg K. Nakamura

) Trial: April 30, 2018

ORDER REGARDING MARCH 1, 2018 COURT PROCEEDINGS

On March 1, 2018, at 8:30 a.m., hearing on the following motions were set to be heard by this Court:

- (1) Plaintiff's Motion for Order (1) Approving and Adopting the Special Master's Report, (2) Appointing Master Receiver and (3) for Leave to File Dispositive Motions, Filed January 19, 2018;
- (2) Defendant Frederic B. Wirick's Motion to Lift Discovery Stay, Filed January 19, 2018; and
- (3) Defendants Wirick, Stoner, Greene, Wewers, Akana, and Nominal Defendant Orchidland Community Association, Inc.'s Joint Motion to Strike Portions of Special Master Nancy Cabral's Report, Filed January 19, 2018.

Prior to said hearings, the Court met jointly in chambers with Plaintiff's counsel, David C. Farmer and Timothy J. Hogan; Defendant Frederic B. Wirick's counsel, Michele-Lynn E. Luke; Defendants Donald J. Stoner, Tegen A. Greene, Elizabeth M. Wewers and Gerald A. Akana's counsel, Carlos D. Perez-Mesa; and Nominal Defendant Orchidland Community Association's counsel, Lincoln Ashida. Defendant Ricky Turner's counsel, David R. Harada-Stone, also appeared, via telephone.

As a consequence of said chambers conference, the parties agreed, and this Court hereby orders as follows:

- (1) All bank accounts in the name of, or otherwise belonging to, Orchidland Community Association ("OLCA") are ordered to be unfrozen, with all bank statements and other communications from said banking institutions to be sent directly to Mr. Kenneth Ah Lo, Data Processing Services, Inc., at 99 Aupuni Street, Suite 206, Hilo, Hawaii, 96720. Mr. Ah Lo shall manage these accounts

on behalf of OLCA, consistent with his ongoing duties and responsibilities to OLCA.

- (2) All owners are ordered to remit payment for their Mandatory Roadway Maintenance Assessments (“MRMAs”) directly to Mr. Kenneth Ah Lo, by mailing said payments to his attention, at Data Processing Services, Inc., 99 Aupuni Street, Suite 206, Hilo, Hawaii, 96720. Mr. Ah Lo shall credit said payments accordingly, and shall allocate use of said funds consistent with his ongoing duties and responsibilities to OLCA.
- (3) With regard to OLCA’s finances, Ms. Nancy Cabral shall serve as the Court’s representative for the sole purpose of periodically monitoring Mr. Kenneth Ah Lo’s activities on behalf of OLCA, and reporting any concerns related to those activities, directly to the Court.
- (4) With regard to OLCA’s governance, Ms. Nancy Cabral shall serve as the Court’s representative for the purpose of monitoring the upcoming election process and for purposes of reporting any concerns related to that process, directly to the Court. Ms. Cabral may make recommendations to ensure that the process is fair and consistent with OLCA’s governing document.
- (5) The parties have agreed that the Court shall have discretion to communicate directly with Ms. Cabral to provide better direction in her activities and to address any concerns reported to the Court. In the event Ms. Cabral reports a concern to the Court, the Court will notify all counsel of the concern and shall give the parties the opportunity to address or otherwise respond to the concern.
- (6) The Court’s prior stay of discovery and the filing of dispositive and other motions is hereby lifted. By agreement and this Court’s order, dispositive and/or other motions filed on or before April 20, 2018, shall be heard on May 8, 2018, at 8:30 a.m.

- (7) Trial shall be continued from April 30, 2018 to March 21, 2019, commencing at 9:00 a.m.. The Court will issue a new trial order reflecting this date and relevant deadlines.

In addition to the foregoing, the Court notes that Nominal Defendant OLCA has affirmatively represented, on the record, that it will not utilize non-licensed contractors to perform any roadway improvement work, within the community, going forward.

As a consequence of the foregoing, this Court has deemed the motions scheduled for hearing on March 1, 2018, moot, such that hearing was not held.

DATED: Hilo, Hawai'i, APR 11 2018.

GREG K. NAKAMURA (SEAL)

GREG K. NAKAMURA
JUDGE OF THE ABOVE-ENTITLED COURT