

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT  
STATE OF HAWAII

PAUL J. SULLA, JR., an  
individual, and PAUL J.  
SULLA, III, an  
individual,

) CIVIL NO. 12-1-417  
)  
)  
) PARTIAL TRANSCRIPT OF  
) PROCEEDINGS HELD ON  
) JANUARY 4, 2013

) Plaintiffs,

) vs.

) LEONARD G. HOROWITZ, an  
) individual; SHERRI KANE,  
) an individual; et al.,

) Defendants,

) and

) LEONARD G. HOROWITZ, an  
) individual; SHERRI KANE,  
) an individual,

) Defendants/  
) Counterclaimants,

) vs.

) PAUL J. SULLA, JR.;  
) PAUL J. SULLA, III;  
) HERBERT M. RITKE, an  
) individual; et al.,

) Counterclaim  
) Defendants/Third-  
) Party Defendants.

**Exhibit 120.** Partial Transcript of Proceedings Held on January 4, 2013 in Civ. No. 12-1-417, Pursuant PAUL J. SULLA, JR.'s Testimony Re: Ayahuasca Church Affiliation and Advocacy for JASON HESTER.



PARTIAL TRANSCRIPT OF PROCEEDINGS

before the Honorable Elizabeth Strance, Judge,  
Fourth Division, presiding, on January 4, 2013.

1. GOOGLE, INC.'S MOTION TO STRIKE SEPTEMBER 7,  
2012 ADDENDUM TO DEFENDANTS' SUPPLEMENTAL ANSWER  
CONTAINING COUNTERCLAIM AND TO QUASH SEPTEMBER 7,  
2012 SUMMONS AS TO GOOGLE, INC.

2. MOTION TO DISMISS COMPLAINT FOR FRAUD UPON THE  
COURT AND FOR FAILURE TO JOIN INDISPENSABLE PARTIES

3. PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

4. MOTION TO JOIN THIRD-PARTY DEFENDANTS

5. MOTION TO ARREST PAUL SULLA, JR., AND JASON  
HESTER, UNDER RULE 64(B) FOR FRAUD UPON THREE COURTS  
AND MULTIPLE VIOLATIONS OF STATE AND FEDERAL  
STATUTES

6. CHIEF DISCIPLINARY COUNSEL JANET HUNT'S MOTION  
TO DISMISS WITH PREJUDICE OR, IN THE ALTERNATIVE,  
FOR SUMMARY JUDGMENT

7. MOTION TO STRIKE APPELLANT HOROWITZ'S OPPOSITION  
TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND  
PROPOSED RULE 64 ARREST ORDER FOR FRAUD UPON THE  
COURT

8. THIRD-PARTY DEFENDANTS GARY VICTOR DUBIN,  
BENJAMIN R. BROWER, AND DUBIN LAW OFFICES'  
SUBSTANTIVE JOINDER IN: 1, THIRD-PARTY DEFENDANT  
COUNTY OF HAWAII, STATE OF HAWAII'S FIRST AMENDED  
MOTION TO DISMISS, FILED OCTOBER 11, 2012; 2, THIRD-  
PARTY DEFENDANT STEWART TITLE GUARANTY COMPANY'S  
MOTION TO DISMISS OR, IN THE ALTERNATIVE, TO STRIKE,  
FILED DECEMBER 3, 2012; AND 3, GOOGLE, INC.'S MOTION  
TO STRIKE, FILED OCTOBER 10, 2012

24	REPORTED BY:	JULIE SORENSON, CSR 148 Official Court Reporter State of Hawaii
25		

## 1 APPEARANCES:

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

For the Plaintiffs:

PAUL J. SULLA, JR., ESQ.  
Post Office Box 5258  
Hilo, HI 96720

For the Defendants  
Leonard G. Horowitz  
and Sherri Kane:

LEONARD G. HOROWITZ  
SHERRI KANE  
Pro se

For the Third-Party  
Defendants Dubin Law  
Offices, Gary Victor  
Dubin, and Benjamin R.  
Brower:

FREDERICK ARENSMEYER, ESQ.  
Dubin Law Offices  
3100 Harbor Court  
55 Merchant Street  
Honolulu, HI 96813

For Janet S. Hunt,  
Chief Disciplinary  
Counsel:

ROBYN B. CHUN, ESQ.  
Deputy Attorney General  
425 Queen Street  
Honolulu, HI 96813

For Google, Inc.:

ALLISON MIZUO LEE, ESQ.  
Cades Schutte  
1000 Bishop St., Ste. 1200  
Honolulu, HI 96813

(Reporter's Note: For the proceedings reflected in  
this partial transcript, attorneys Arensmeyer, Chun,  
and Lee were not present.)

I N D E X

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

DEFENDANTS' WITNESS PAGE

Paul J. Sulla, Jr., Esq.  
Direct Examination by Mr. Horowitz 5

DEFENDANTS' EXHIBITS IN EVIDENCE PAGE

Exhibit A 22, 24  
Exhibit B 26  
Exhibit C 34  
Exhibits D and E 35

DEFENDANTS' EXHIBITS STRICKEN PAGE

Exhibit A 27

1 JANUARY 4, 2013 - PARTIAL TRANSCRIPT

2 (The prior proceedings were reported  
3 but were not transcribed herein.)

4 --oOo--

5 THE COURT: Any additional witnesses?

6 MR. HOROWITZ: Yes. I'd like to call  
7 Mr. Sulla, please.

8 THE COURT: Thank you.

9 Mr. Sulla, please take the witness stand.  
10 Stand next to the witness box, raise your right  
11 hand, prepare to take the oath to answer questions  
12 asked of you.

13 PAUL J. SULLA, JR., ESQ.

14 called as a witness by and on behalf of the  
15 Defendants/Counterclaimants, having been first duly  
16 sworn to tell the truth, the whole truth, and  
17 nothing but the truth, was examined and testified as  
18 follows:

19 THE CLERK: Thank you. You may be seated.

20 DIRECT EXAMINATION

21 BY MR. HOROWITZ:

22 Q. Mr. Sulla, have you ever -- first of all,  
23 you know of Hawaii Rules of Professional Conduct  
24 that prohibits an attorney to testify and litigate  
25 as an attorney-litigator or defender?

1           A.           The way you phrase it, I don't know of  
2 any.

3           Q.           Okay. But is there a rule in a -- Hawaii  
4 Rules of Civil Procedure that would prohibit you, if  
5 you were required to testify in a proceeding, to  
6 defend yourself or a client in the same proceeding?

7           A.           Would be no rule against me representing  
8 myself pro se, as there is no rule against you  
9 representing yourself pro se.

10                    As far as representing a client, if I was  
11 going to be a material witness in the case and would  
12 be called as a witness by the other side, or what-  
13 ever, then I would have -- probably be grounds for  
14 me to be disqualified; but there would be inquiry  
15 as to what specifically I'd be testifying to and  
16 whether it was material or not.

17           Q.           Are you here advancing the case as an  
18 advocate for your son? Is he a client?

19           A.           No, my son's not a client. He's here  
20 pro se, just as I am.

21           Q.           You mentioned just a couple of minutes ago  
22 some questions for your son about Dr. Krippner.  
23 What do you know about Dr. Krippner?

24           A.           Well, he's a lovely man. I met him one  
25 time, I think, on the Big Island. He believes my

1 son has a good background and a good grasp of the  
2 subject matter that he studied in his early years,  
3 when he was a teenager, and has encouraged him to go  
4 further with that.

5 Q. Mr. Sulla, do you run a church or have  
6 anything to do with a Church of Ayahuasca?

7 A. Nothing with ayahuasca, no, not by that  
8 name.

9 Q. Do you have anything to do with a church?

10 A. I have to do with several churches. I  
11 have -- all through my career I've been involved  
12 with churches. One church was the Church of  
13 Samari- -- Samaritan of Many Affections, called  
14 SOMA, back in the days when I was in Cambridge,  
15 Massachusetts. I've assisted many --

16 Q. Anything locally?

17 A. -- I'm an ecclesiastical expert, I  
18 believe, in law, because I've studied a lot about  
19 ecclesiastical law relative to First Amendment  
20 rights and privileges.

21 Q. Do you have a local church on the  
22 Big Island?

23 A. There is a local church on the Big Island  
24 that I am affiliated with, yes. There's actually a  
25 few. I go to the church in Church Row also, in

1 Waimea. But there is one in eye-oh (phonetic  
2 spelling) -- there is one that I am involved in,  
3 yeah.

4 Q. And you just said "eye-ah." Is that  
5 "ayahuasca"?

6 A. No. I said "I am."

7 Q. Oh. In --

8 A. I am aware of and I am involved with --

9 Q. What's your position in the church?

10 A. I think it would be -- I do have a  
11 position called "protector" in the church.

12 Q. And do you perform rituals at that church  
13 with ayahuasca?

14 MR. SULLA: Your Honor, at this time I'd  
15 like to assert my rights to not have to answer this  
16 question under my rights under the First Amendment,  
17 of the freedom of religion, because I believe that  
18 this is going far afield from -- and he's trying to  
19 cast aspersions on that and my beliefs.

20 THE COURT: Are any of your claims for  
21 defamation involving statements that have been made  
22 regarding your affiliation with churches?

23 MS. KANE: Yes.

24 MR. SULLA: Only that, I guess, he has  
25 been -- alleged that I created a church for my



1 client that was fraudulent, and I would answer to  
2 that issue. But there's been no other allegations  
3 that I put in my complaint there about that, so --  
4 irrelevance, again.

5 THE COURT: Sustained.

6 Move on, Mr. Horowitz.

7 Q. (By Mr. Horowitz) Do you recognize the  
8 name of Michael Sakell?

9 A. Oh, yeah, I recognize that name.

10 Q. And how do you know Michael Sakell?

11 A. Michael Sakell is someone who called me  
12 and said that he was approached by you and Ms. Kane  
13 to write -- to sign an affidavit, an affidavit that  
14 would have -- that you prepared and Ms. Kane here  
15 prepared. And that he was looking for a job and he  
16 really wanted to work there, and you had promised  
17 him a job, that you promised him money, if he would  
18 sign that affidavit. So he signed it, he said.

19 Later on he said to me -- he called me  
20 up another time and said, "You know, that was all  
21 false. I'm sorry I made that. I apologize."

22 I asked him to come in to sign an  
23 affidavit to that effect, and I have not been able  
24 to reach him since then. I have heard, however,  
25 that he's made allegations to other friends that

1 you, at one time, were trying to put him up to  
2 kill me.

3 So I don't know. Michael Sakell -- I  
4 met him one time. I believe he was putting in my  
5 ACCO -- water alkaline machine, and that was the  
6 only time I really know him and met him.

7 You know, I don't know where he came up  
8 with all these claims, but you seem to have put it  
9 in your premier on your web site about something,  
10 and, you know, basically it's all a lie. It looks  
11 like it's just trying to incriminate me. And, as I  
12 said, the witness, Mr. Suskell [sic], has -- since  
13 then he's recanted on all of that to me personally.

14 Q. Mr. Sakell -- are you -- do you have any  
15 idea whether Mr. Sakell knows your client,  
16 Mr. Hester? Or do you have a client, Mr. Hester,  
17 that --

18 A. Mr. Hester was designated to be a  
19 successor to Cecil Lee, and he happens to be the  
20 grandnephew of Cecil Lee. So I know him from that  
21 regard.

22 I also know him in regards to the fact  
23 that we had a nonjudicial foreclosure, because he  
24 was assigned a note and a mortgage, and we proceeded  
25 with a nonjudicial foreclosure of your home in April

1 of 2010, which you videotaped and then put a lot of  
2 derogatory statements over them. But you have  
3 plenty of evidence that he was standing next to me  
4 as my client in that hearing.

5 After that I was fearful, once the  
6 defamation started, of proceeding any further with  
7 him; and I have been unable to do any work for him,  
8 much to his upset that I can't help him, and I told  
9 him I couldn't. So he wanted to exercise his  
10 rights, as the owner of the property; and so I said,  
11 "Go ahead and do it yourself." Cuz I didn't want  
12 to get more smeared by you on these internet things  
13 that were just growing all the time, and you put  
14 posters around. So I was quite concerned for my  
15 professional background, to even represent this  
16 client, who needed representation.

17 It turned out he filed an eviction matter,  
18 and, basically, the Dubin office came in to defend  
19 against it. So I agreed to go in and argue with --  
20 against Peter Stone at the motion to dismiss that  
21 eviction. And the eviction was dismissed, as I told  
22 Hester it would be. But we -- that's as much as  
23 we've done so far.

24 He does want me, very much, to represent  
25 him in an ejection action to get his house, before

1 the taxes take it and before it falls in for all the  
2 violations it has. He's concerned about his invest-  
3 ment and his rights, as the owner of the property  
4 that you live in.

5 Q. Now, this Mr. Hester, you stated that he's  
6 a grandnephew; is that right?

7 A. Yes.

8 Q. What evidence do you have for that?

9 A. I have lots of evidence of that. I've  
10 talked to his mother's grandmother. I've talked to  
11 the people in the family. I've got -- actually, I  
12 think I have a statement somewhere on that effect,  
13 if I ever had to -- needed to show it.

14 Mr. Hester can speak for himself. I mean,  
15 I know the family quite well, from the time I've  
16 worked with Cecil, to determine this.

17 Q. Can you define for the Court what  
18 "grandnephew" means?

19 A. Yeah. It means that his grandmother was  
20 sister to Cecil Lee. So Cecil was -- and his  
21 grandmother were, yeah, brother and sister. So then  
22 he's the grandnephew.

23 Q. Could you say that again, please?

24 A. His grandmother is the sister of Cecil  
25 Lee.

1 Q. His grandmother is a sister of Cecil Lee.

2 A. Yes.

3 Q. And what would her name be?

4 A. I can't recall right now.

5 Q. That's interesting.

6 A. You know, it's nothing that you couldn't  
7 find, if you asked the question in an appropriate  
8 way, instead of making assumptions on the web. So,  
9 you know, anytime you wanna really get a real clear  
10 question [sic], ask real straight answers [sic]. I  
11 can provide them.

12 Q. Well -- okay. So his grandmother is the  
13 sister of Cecil Lee. There's no evidence that  
14 you've brought to the Court, have you, that can  
15 state that for sure?

16 A. Are you impeaching me?

17 Q. No, I'm asking you. I'm asking you. What  
18 evidence is there? You've made a claim that this  
19 nephew -- that this is a grandnephew. Is there a  
20 difference between "grandnephew" and "nephew"?

21 A. Sure.

22 Q. What's the difference between "grand-  
23 nephew" and "nephew"?

24 A. Well, if my father were, say -- say my  
25 aunt, which would be my father's sister, and I was a

1 child of that aunt, then I would be the nephew, cuz  
2 it would be one removed. But if it's grandparents  
3 that were related, then it's one removed, so it's a  
4 grandnephew. That's the difference. It's genera-  
5 tional.

6 Q. Would a -- would Mr. Hester, if he was --  
7 actually, did you state that Mr. Hester was the  
8 nephew -- not the grandnephew, but the nephew -- of  
9 Mr. Lee in your legal filings?

10 A. I don't know what you're referring to  
11 there. Which legal filing? It's very difficult to  
12 answer a question that vague.

13 Q. In your initial legal filings with regard  
14 to the incorporation of the church that you formed  
15 for Mr. --

16 A. You'd have to show it to me. I don't know  
17 what you're talking about.

18 Q. We'll see if we can find that for you,  
19 Mr. Sulla.

20 So if we were to show you a document that  
21 showed that you had stated that Mr. Hester is  
22 Lee's -- Mr. Lee's nephew, in the formation of the  
23 church and in the transfer of the mortgage from  
24 Mr. Lee to a church and then to Mr. Hester, and it  
25 didn't state that this was a grandnephew, is that an

1 omission under the law? Fraudulent?

2 A. Well, you're asking me to determine if  
3 something is fraudulent. I don't know if I'm  
4 capable of answering that.

5 But I would say that, in my opinion, it's  
6 not fraudulent, inasmuch as it made -- if it  
7 occurred at all, which I don't think it did. But  
8 if it did, it could have been an omission, could  
9 have been error. But it's a very minor issue, and  
10 it's certainly not material to the -- give you  
11 grounds to be able to write on the internet and say  
12 I'm a fraud and I commit crimes and all that other  
13 stuff. I don't know how it's connected to the  
14 matter before us here.

15 If I made a mistake and said he was a  
16 nephew as opposed to grandnephew, it's very, very  
17 minor, and it could be corrected. And we would have  
18 corrected it, if it ever was asked properly of us.

19 Q. Well, it has to do, relevance-wise, to  
20 the estate itself. As Mr. Lee was dying, he would  
21 have -- under the law, he would have left it to,  
22 legally, a sister or a spouse or a brother.

23 A. Well, that's not necessarily true,  
24 legally, that he would do that. They are his heirs.  
25 But you can choose not to leave it to your heirs.

1 And, in fact, in this case he was very specific. He  
2 had a couple -- he had left it to another friend  
3 first. And then he said, "Nah, I don't know about  
4 that person. I think Jason's good." I said, "Who  
5 is Jason?" He says, "He's my nephew."

6 So, okay. Well, I mean -- you know, I  
7 didn't meet him. I didn't know who he was. But he  
8 said, "That's who I want. The guy lives in Puna.  
9 He needs a good start. He's a good fellow, he's  
10 spiritual, and he would follow along with the church  
11 that I would like him to."

12 So Lee already had his church. I didn't  
13 form the church. Lee already had his church, which  
14 was called Revitalize, The Gospel of Believers. I  
15 believe Mr. Lee was a Mormon. But he had his  
16 church, he had his nonprofit organization.

17 So his successor then was his choice, and  
18 who would follow that church and who would follow  
19 his purposes. He wasn't giving it to the son as a  
20 bequest. It was basically in this context of over-  
21 seer of the church.

22 Q. You said that he had a church beforehand  
23 and he was a Mormon. When did he start that church?

24 A. I don't know exactly. I mean, we could  
25 look it up. I mean, it was before he met me. He



1 had a nonprofit corporation going back eight or ten  
2 years, probably as long as you're a nonprofit  
3 corporation, the Bloodline of David.

4 Q. Mr. Sulla, I know that you're familiar  
5 with this. This is from the State of Hawaii,  
6 Department of Commerce and Consumer Affairs, and  
7 it's articles of incorporation of the church. I'd  
8 like to enter it as evidence.

9 A. I'd like to look at it before you talk  
10 about entering anything.

11 MR. SULLA: Putting another hat on: I  
12 object to this as far as relevance, and I'm not  
13 gonna provide a foundation without questions  
14 presented to me for it.

15 THE COURT: Sustained. Foundation.

16 MR. HOROWITZ: The foundation is with  
17 regard to Mr. -- the legitimacy of Mr. Hester being  
18 the overseer of a church that suddenly got a mort-  
19 gage that I had made and paid from -- with Mr. Lee.

20 THE COURT: So what does this document  
21 have to do with that?

22 MR. HOROWITZ: Because this document is --  
23 there is a law that states that the next of kin or  
24 the closest second -- like a close kin would be  
25 named nephew. There's no -- from my reading of the

1 law, there's no grandnephew cited, and, frankly,  
2 Mr. Sulla hasn't provided any indication that  
3 Mr. Hester is a legitimate heir to the estate by  
4 which --

5 THE COURT: Well, you haven't established  
6 that Mr. Lee died before that transfer was made or  
7 that this document has anything to do with intestacy  
8 or violation of the intestacy statute. So without a  
9 foundation being laid for this document's relevance,  
10 the Court is going to sustain the objection.

11 Q. (By Mr. Horowitz) Mr. Sulla, you  
12 mentioned that Mr. Lee was a Mormon. And, again,  
13 you have advanced a church --

14 MR. HOROWITZ: Actually, your Honor, I'm  
15 uncomfortable with this. I need to really have my  
16 records in order, be able to advance logically a  
17 case. So I wonder if I could take a ten-minute  
18 recess to see if I can get my documents in order.

19 THE COURT: We're going to conclude this  
20 hearing at 4 o'clock.

21 And, Mr. Sulla, are you going to be  
22 calling any witnesses?

23 MR. SULLA: Yes, your Honor. I am going  
24 to call a witness to lay the foundation for the web  
25 page.

1 THE COURT: Okay. So how much time will  
2 you need for that witness?

3 MR. SULLA: Ten or fifteen minutes.

4 I don't know if I'm gonna testify also,  
5 your Honor, in terms of --

6 THE COURT: Well, you tell me how much --  
7 all right. I'm gonna give you a half an hour.

8 So, Mr. Horowitz, you can use whatever  
9 time you want, but you need to finish your case by  
10 3:30.

11 MR. HOROWITZ: Well, your Honor, I better  
12 skip this then.

13 THE COURT: Okay.

14 MR. HOROWITZ: Thank you.

15 Q. (By Mr. Horowitz) One of your allega-  
16 tions, Mr. Sulla, deals with foreclosure fraud; is  
17 that correct? You're claiming that defamation was  
18 done about -- done to you with regard to foreclosure  
19 fraud; is that right?

20 A. The allegation is that you claim that I  
21 committed foreclosure fraud, you've also -- padded  
22 bills forever and I've double-dealt in foreclosures.  
23 This is in my profession. And you've made that  
24 statement without any substantiation whatsoever and  
25 without any truth.

1 Q. Well, actually, the substantiation is  
2 published on the internet and it's basically in the  
3 filings.

4 But let me ask you: Do you recognize this  
5 document that was also in the filings? It's the  
6 amended final judgment from the Ibarra court. Do  
7 you recognize this?

8 A. This looks like excerpts. It's marked up.  
9 You've got some markings on here --

10 Q. I do have some markings.

11 A. -- and boxes around it. I think this is  
12 a -- this was the first amended final judgment of  
13 the court, which was later subsequently amended.

14 Q. Is that okay to admit to the court? A  
15 copy of --

16 A. This is part of, I guess, the court's  
17 public record, in terms of it's a final judgment in  
18 a case --

19 Q. Thank you.

20 A. -- that is --

21 Q. That's good.

22 MR. HOROWITZ: So, your Honor, I'd like to  
23 admit --

24 MR. SULLA: I'm objecting to it, your  
25 Honor. I don't see any relevance of that final

1 judgment having to do with the defamation --

2 MR. HOROWITZ: It's highly relevant.

3 MR. SULLA: -- of my situation.

4 THE COURT: Excuse me. One person speak  
5 at a time.

6 You may respond to the objection regarding  
7 relevance, Mr. Horowitz.

8 MR. HOROWITZ: Yes, your Honor. I'm  
9 establishing a date. That's relevant to the date by  
10 which the amended final judgment was rendered on  
11 February the 25th, 2009.

12 THE COURT: So you're offering it for the  
13 limited purpose of showing that there was an amended  
14 final judgment filed with Judge Ibarra's court on  
15 February 25, 2009?

16 MR. HOROWITZ: Yes, your Honor, and that  
17 it states in there in paragraph 3 --

18 MR. SULLA: Objection, your Honor.

19 THE COURT: What basis?

20 MR. SULLA: Basically, he's testifying  
21 again, your Honor.

22 THE COURT: The Court will overrule the  
23 objection, allow the document to be received into  
24 evidence as a public record.

25 MR. HOROWITZ: Thank you.

1 (Defendants' Exhibit, unmarked,  
2 was received into evidence.)

3 Q. (By Mr. Horowitz) And paragraph 3 states  
4 in here, "Persuade [sic] to the jury's verdict,  
5 judgment for monetary damages is entered in favor of  
6 Defendants Horowitz in the amount of 200,000 and no  
7 dollars [sic] against Plaintiff Lee." Is that  
8 accurate? That's what you see there?

9 A. Yes. I can explain this and go over it --

10 Q. Yes.

11 A. -- if you'd like. I mean --

12 Q. I'm just interested in the date right now,  
13 Mr. Sulla.

14 A. Okay. Well, this was prior to my  
15 representation of Lee.

16 Q. This was prior to your representation of  
17 Lee. And that you began representing Lee on or  
18 about May 21, 2009; is that accurate?

19 A. That follows February 2009, yeah.

20 Q. That's right. So about a month later, a  
21 month later --

22 A. I think it's three months.

23 Q. -- you began representing Mr. Lee. March,  
24 April. Okay? And then on May the 21st, did you  
25 file an appeal of that \$200,000 jury award?

1           A.           I filed a motion for rehearing, a  
2 motion -- a motion to alter and amend judgment in  
3 the -- in Judge Ibarra's court. But because of the  
4 timing, I also had to file an appeal; because if he  
5 denied it, my appellate rights -- my client's  
6 appellate rights would have been lost. So I did a  
7 joint filing.

8                       And Judge Ibarra denied the motion in some  
9 form. So it went to the appellate court, and the  
10 appellate court --

11           Q.           Right. That's --

12           A.           -- decided that -- that the --

13           Q.           That's fine.

14           A.           -- judgment was not appealable because it  
15 was not in proper form, and sent it back --

16           Q.           That's fine.

17           A.           -- to Judge Ibarra --

18           Q.           That's fine. It's -- that's irrelevant  
19 for my needs at this time.

20                       The point being that you filed your  
21 appeal, according to the court record, on May  
22 the 21st, 2009, and that -- I wonder if you could  
23 just read this filing that you filed to create the  
24 corporation to the court, what date you filed for  
25 the creation of the church. Could you please just

1 read that, Mr. Sulla?

2 A. I don't believe there's something properly  
3 before me, so I don't have to read anything.

4 MR. HOROWITZ: Your Honor --

5 THE COURT: I've admitted it into evidence.

6 MR. SULLA: You did admit it? Oh, I'm  
7 sorry. All right.

8 A. In that case, yes, it was filed on May 28,  
9 2009, and --

10 Q. (By Mr. Horowitz) May 28th. Thank you.  
11 May 28, 2009 --

12 A. Well, no. That -- which one are you  
13 showing me here? You're showing --

14 MR. SULLA: This was not allowed into the  
15 record, your Honor. He's talking about something  
16 else. This is --

17 MR. HOROWITZ: This is the same thing,  
18 your Honor, the --

19 MR. SULLA: This is the corporate  
20 filing --

21 THE COURT: Excuse me. One person speak  
22 at a time.

23 I've admitted Judge Ibarra's May 25, 2009  
24 judgment. That will be designated as Defense  
25 Exhibit A. That is the only exhibit that's been



1 admitted into evidence and which you can show and  
2 have the witness testify from.

3 MR. HOROWITZ: All right. I'd like to --

4 MR. SULLA: I believe the --

5 MR. HOROWITZ: I'd like to --

6 MR. SULLA: I think the date was February.

7 MR. HOROWITZ: -- admit this --

8 THE COURT: I'm sorry. February 25, 2009.

9 MR. HOROWITZ: Your Honor, this is a very  
10 relevant document. I'd like to admit it as evidence.  
11 This is from the State of Hawaii, Department of  
12 Commerce and Consumer Affairs, saying articles of  
13 incorporation on the church that Mr. Sulla created  
14 on May the 28th, 2009.

15 MR. SULLA: Your Honor, I'm going to --  
16 I'm not gonna object, you know, because I think  
17 we -- this is a big issue that -- it's an allegation  
18 of fraud here of me and what I did, and he's using  
19 this paper to be that. So I'm not gonna skirt this  
20 issue. I'll address this, your Honor.

21 THE COURT: Okay. So the DCCA articles of  
22 incorporation, dated --

23 MR. SULLA: May 28, 2009.

24 THE COURT: -- is received as Exhibit B.

25 MR. HOROWITZ: Thank you.

1 (Defendants' Exhibit B  
2 was received in evidence.)

3 MR. SULLA: And to answer -- well, I'm  
4 doing that --

5 THE COURT: Excuse me.

6 MR. SULLA: -- with the purpose of being  
7 able --

8 THE COURT: I'm sorry. Excuse me.  
9 There's not a question right now before you.

10 Mr. Horowitz, please re-ask or ask a  
11 question; and, Mr. Sulla, answer the question that's  
12 asked.

13 So that we're clear, I'm going to direct,  
14 Mr. Horowitz, for you to provide Exhibits A and B to  
15 the clerk so that they are marked and received into  
16 evidence.

17 MR. HOROWITZ: I think that this was the  
18 B. That was B. And --

19 THE COURT: Exhibit B is the DCCA articles  
20 of incorporation. Exhibit A is the February 25,  
21 2009 judgment.

22 MR. HOROWITZ: Yeah. Did you get the  
23 first one?

24 THE COURT: So we have --

25 MR. HOROWITZ: Do you have the first one?

1 THE COURT: My clerk has not been provided  
2 with Exhibit A.

3 MR. HOROWITZ: Sherri, that's the amended  
4 final judgment.

5 We'll get that, your Honor.

6 THE COURT: No, we're going to -- because  
7 I admitted a document, and now I see Ms. Kane flip-  
8 ping through a whole bunch of pages of documents.  
9 It was a document that was reviewed with Mr. Sulla.  
10 That's the document that was admitted.

11 MR. HOROWITZ: It's here, your Honor, I'm  
12 sure.

13 THE COURT: Well, you're looking at a  
14 stack of papers that you weren't in front of when  
15 the exhibit was admitted.

16 The Court then strikes Exhibit A, as it  
17 wasn't presented to the Court, and now there are  
18 questions regarding the integrity of the admission  
19 of that exhibit. So Exhibit A is stricken.

20 (Defendants Exhibit A was stricken.)

21 MS. KANE: Here. Is that it?

22 MR. HOROWITZ: This is the final judgment.

23 MS. KANE: That's what I gave you.

24 MR. HOROWITZ: At any rate, I'm gonna have  
25 to move forward.

1 Q. (By Mr. Horowitz) So that -- the document  
2 that you had admitted now is an incorporation of  
3 May the 21st, 2009, and the . . .

4 MR. HOROWITZ: Your Honor, may I see that  
5 document?

6 THE COURT: I'm handing Exhibit B to you.

7 MR. HOROWITZ: This is B. We'll get A for  
8 you.

9 THE COURT: Well, Exhibit A has been  
10 stricken. So if you want to have it readmitted,  
11 you'll have to re-present it.

12 MR. HOROWITZ: Okay. We need to  
13 re-present, Sherri.

14 MS. KANE: Here it is.

15 MR. HOROWITZ: Okay. I'd like to  
16 re-present this, your Honor. This is that -- the  
17 amended final judgment.

18 THE COURT: Please show Mr. Sulla.

19 MR. SULLA: There was other things  
20 attached to this thing.

21 Your Honor, the only problem I have is  
22 this -- all this writing, extraneous writing, that's  
23 added to it, that makes it --

24 THE COURT: Let me see it.

25 MR. SULLA: -- sort of prejudicial.

1 Q. (By Mr. Horowitz) Mr. Sulla --

2 THE COURT: Excuse me.

3 Before the Court will admit the document,  
4 anything that's not part of the original filing  
5 needs to be described for the record so that the  
6 Court -- if it receives the amended final judgment,  
7 it's clear on the record what text is part of the  
8 final judgment and which is not.

9 Mr. Horowitz.

10 MR. HOROWITZ: Thank you. And I'd like to  
11 submit to the Court the assignment of mortgage --

12 THE COURT: Well, Mr. Horowitz, are you  
13 going to try to admit Exhibit A or not?

14 MR. HOROWITZ: Oh, yes.

15 MS. KANE: Take care of A first.

16 MR. HOROWITZ: Yes, yes. Please. I --

17 THE COURT: What is -- for the record,  
18 what is part of the original --

19 MR. HOROWITZ: Oh. For the record, every-  
20 thing is part of the original, except what I've  
21 written in the boxes here, I've highlighted in  
22 yellow for the Court's approval. There's two boxes  
23 where I've made explanations.

24 THE COURT: Well, the Court's not going  
25 to receive the explanations, because you're not

1     testifying.

2             But the Court, subject to argument by  
3     Mr. Sulla, may be willing to accept the exhibit,  
4     with the understanding of what's not part of it, and  
5     then that is extraneous and will not be considered  
6     by the Court.

7             MR. HOROWITZ:    Agreed.

8             THE COURT:    Mr. Sulla?

9             MR. SULLA:    Can I see the document and the  
10    extraneous materials here?

11            Well, the boxes are just for highlighting.  
12    There's one here that says not special doc for lease  
13    fraud.  I don't know what that's about.

14            Then there's another box saying alter- --  
15    alter- -- outrageous alteration, undermine defense,  
16    entire case and jury award based on fraud and  
17    misrepresentation by pro se plaintiff, a convicted  
18    felon, repeated forger, and an allegation that  
19    indicts sitting Judge Glenn Hara, who constructed  
20    the true original agreement for closing escrow,  
21    altered by Lee, not Horowitz, according to  
22    prima facie chain of record exhibited herein,  
23    exhibits.

24            THE COURT:    Let me see the document.

25            I haven't been provided with the entire

1 document. It looks like --

2 MR. SULLA: Oh. I'm sorry.

3 THE COURT: What the Court's going to do  
4 is simply take judicial notice of the amended final  
5 judgment.

6 This document will not be received into  
7 evidence, as the Court finds that the comments  
8 contained on the documents are prejudicial. But the  
9 Court has taken judicial notice of it.

10 MR. HOROWITZ: Your Honor, I'd like to  
11 place into evidence a Bureau of Conveyance document  
12 called assignment of mortgage, with one box, which  
13 is -- states forgery fraud, that I'd like to have  
14 the Court consider striking. Other than that --

15 MR. SULLA: Can I see it? Thank you.

16 THE COURT: Striking or admitting?

17 MR. HOROWITZ: Well, everything except for  
18 that box.

19 MR. SULLA: Your Honor, I'm objecting to  
20 it for several reasons; foundation, and the purpose  
21 for what it is being used for, plus the prejudicial  
22 statements in there of fraud and other allegations  
23 on that document.

24 THE COURT: The Court will deny admission  
25 of the assignment. It's not a certified copy of a

1 document.

2 MR. HOROWITZ: Are you going to not allow,  
3 also, the copies of the assignment of promissory  
4 notes?

5 THE COURT: One moment.

6 What the Court's going to do, Mr. Horowitz,  
7 is: I'm not going to allow you just to introduce  
8 them, because they're not self-authenticating. But  
9 inasmuch as at least one of them purports to have  
10 been authored by this witness, if you can establish  
11 his authorship, the Court will consider admission of  
12 the document.

13 MR. HOROWITZ: Thank you, your Honor.

14 Q. (By Mr. Horowitz) Did you author this,  
15 Mr. Sulla?

16 THE COURT: And please describe on the  
17 record --

18 MR. HOROWITZ: Yes.

19 THE COURT: -- what document you're --

20 Q. (By Mr. Horowitz) Mr. Sulla, this has  
21 Paul J. Sulla, Jr., Post Office Box 525 -- I'm  
22 sorry.

23 THE REPORTER: First of all, we need to  
24 slow down, and then we need to talk one at a time.

25 Q. (By Mr. Horowitz) This has your name and



1 address on it, Mr. Sulla.

2 THE COURT: What is "this"?

3 MR. HOROWITZ: It says assignment of  
4 mortgage. Assignment of mortgage.

5 Q. (By Mr. Horowitz) And can you please, for  
6 the Court, read when this assignment was made in  
7 this first paragraph.

8 A. I think we're dealing with admissibility  
9 right now. You're asking me to -- what are you  
10 asking me about this, besides --

11 Q. Just read --

12 A. I'm not reading anything --

13 Q. -- read the --

14 A. -- until it's admitted into evidence. So  
15 please tell me what you're showing me.

16 Q. I'm asking you to acknowledge that this is  
17 your filing with the Bureau of Conveyances of the  
18 assignment of mortgage, in your first paragraph.

19 A. This is an assignment of mortgage which  
20 was produced by my office, cuz my name is on it and  
21 I do recognize it. I do recognize the party. So  
22 for that reason and why it's been admitted, I will  
23 read it, I guess. Is that what you want me to do,  
24 read the first paragraph?

25 THE COURT: Excuse me. Exhibit C,

1 assignment of mortgage, is received as Exhibit C.  
2 And the clerk will take the document -- we'll hand  
3 the document to the clerk for receipt. And this  
4 is . . . a five-page document.

5 (Defendants' Exhibit C  
6 was received in evidence.)

7 MR. HOROWITZ: Your Honor, may we please  
8 do the same thing with these two assignment-of-  
9 mortgage documents? I'm sorry. These assignment of  
10 promissory -- I'm sorry. Correct that. These are  
11 two assignment of promissory notes that are --

12 THE COURT: If you establish a foundation  
13 that they're -- having been drafted by Mr. Sulla.

14 MR. HOROWITZ: Yes.

15 Q. (By Mr. Horowitz) Do you recognize that,  
16 Mr. Sulla?

17 A. I recognize the content. I don't  
18 recognize the form as much. But Cecil Lee is my  
19 client, and I recognize that this assignment took  
20 place.

21 Is there another one?

22 Q. Same one. Same time.

23 A. Two assignments. There's two promissory  
24 notes, I recall. One was \$250,000, securing the  
25 house.

1 Q. Three hundred fifty.

2 A. 350,000, securing the house. And this  
3 one's twenty-five. So there's two assignments. The  
4 mortgages were assigned.

5 MR. SULLA: I identified that as that,  
6 your Honor. I can -- I don't know what -- as far as  
7 what it states, I can --

8 THE COURT: Well, I want to have clear,  
9 there is an assignment of promissory note in the  
10 amount of \$350,000, which is received as Exhibit D;  
11 and an assignment of promissory note in the amount  
12 of \$25,000, dated May 15, 2009, which will be  
13 received as Exhibit E.

14 (Defendants' Exhibits D and E  
15 were received in evidence.)

16 MR. HOROWITZ: So may I continue, your  
17 Honor?

18 THE COURT: Right. But your time is up in  
19 about four minutes.

20 Q. (By Mr. Horowitz) Mr. Sulla, what is the  
21 date on those assignments?

22 A. I don't have them.

23 THE COURT: The exhibits are being handed  
24 back to Mr. Horowitz and to the witness, Mr. Sulla.

25 Q. (By Mr. Horowitz) Can you read for the

1 Court the date that's listed there for the assign-  
2 ment?

3 A. This is the assignment of mortgage you're  
4 talking about, right? Is that what you're asking  
5 me?

6 Q. Mr. Sulla, I know that the time is short.  
7 Could you just please read the --

8 A. Well, which document are you referring to?

9 Q. This assignment of mortgage. They're all  
10 the same. This is dated -- what's the date? Can  
11 you read that, please?

12 A. Well --

13 THE COURT: Which exhibit are you  
14 referring to?

15 MR. HOROWITZ: All three.

16 Q. (By Mr. Horowitz) Well, this one, first,  
17 is the assignment of mortgage.

18 THE COURT: What's the exhibit number?

19 MR. HOROWITZ: Exhibit No. C.

20 THE COURT: Okay.

21 Q. (By Mr. Horowitz) What's the date on  
22 that, please?

23 A. 15th of May --

24 Q. 15th of May --

25 A. -- 2009, is the date. It was recorded on

1 September 8 --

2 Q. Just that one --

3 A. -- 2009.

4 THE COURT: Again, don't talk at the same  
5 time. Our court reporter is unable to record two  
6 people speaking at the same time.

7 MR. HOROWITZ: Sorry, your Honor.

8 Q. (By Mr. Horowitz) Could you please read  
9 the date on the assignment of promissory note. This  
10 states this assignment is dated --

11 A. This is the assignment of promissory note  
12 for \$350,000 --

13 Q. Just the date, please, Mr. Sulla.

14 A. I'm identifying the document. Okay?

15 And the assignment says -- it's dated  
16 May 15, 2009, in the text. There's no other dates.  
17 It says the date first written above, so I assume it  
18 was May 15th.

19 Q. And, Mr. Sulla, what is the date the --  
20 please state where the assignment went. Could you  
21 please read where these assignments -- mortgage was  
22 made and assignments were made to what entity?

23 A. You're asking me about the assignment of  
24 mortgage now?

25 Q. Yes, please.

1           A.           You gave me back that, so I just wanted to  
2 be clear.   Okay.

3                        This assignment of mortgage, dated May 15,  
4 2009, by Loran Lee, also known as C. Loran Lee, an  
5 unmarried individual, as assignor, for the benefit  
6 of Cecil Loran Lee, overseer of the office of  
7 overseer, a corporate sole and a successor over and  
8 for the Popular Assembly of Revitalized, a Gospel of  
9 Believers, whose address is 13-811 Malama Street,  
10 Pahoehoe, hereinafter assignee.

11           Q.           And that date of May 15th, by which the  
12 assignment of the mortgage was made, as well as  
13 these assignment of promissory notes, predated the  
14 formation of that church, didn't it?

15           A.           No.

16           Q.           It didn't?

17           A.           No.

18           Q.           Well --

19           A.           Where's the document that you had for the  
20 date of that? I didn't see that.

21           Q.           This is the -- I'm looking at --

22           A.           You're saying it's predating --

23           Q.           -- Exhibit B.

24           A.           Let me see it.

25           Q.           Exhibit B states the date of May the 28th,

1 2009 --

2 A. You're testifying now. Let me look at it.

3 The articles of incorporation, corporate  
4 sole, ecclesiastical purposes. It's dated May 8,  
5 2009. Signed by Loran Cecil Lee. Recording date  
6 shows May 28, 2009, but there was explanations for  
7 why the date's different. But the date on this --  
8 this creation was May 8, 2009.

9 MR. HOROWITZ: So I'd like the Court to  
10 make note that approximately --

11 MR. SULLA: Objection, your Honor. He's  
12 testifying here.

13 THE COURT: Sustained.

14 Q. (By Mr. Horowitz) How many days after you  
15 filed your appeal --

16 THE COURT: If you're referring to  
17 exhibits, you can stand at the bench; otherwise, I  
18 want you to go back to the podium.

19 MR. HOROWITZ: Your Honor, I suppose we're  
20 out of time. If that means that we've lost every-  
21 thing, you know -- I think I'd like to appeal for  
22 some more time. But it's -- I --

23 THE COURT: You can go back to the podium,  
24 instead of being at the witness box.

25 What do you have left to establish?

1           MR. HOROWITZ: Well, that this is a  
2 violation -- the issue brought here is foreclosure  
3 fraud. And the dates predate the formation of the  
4 corporation by which the transfers were made,  
5 specifically timely, contemporaneously, precisely to  
6 when he filed his appeal. So according to the law,  
7 this is a fraudulent transfer, which is illegal,  
8 which essentially, according to law, therefore, we  
9 did not defame Mr. Sulla. We reported the truth.

10           THE COURT: All right. The Court denies  
11 your request for additional time.

12           Mr. Sulla --

13           MR. SULLA: Sorry. Sorry. Sorry.

14           THE COURT: -- please return the  
15 exhibits --

16           MR. SULLA: Sorry. Sorry, your Honor.

17           THE COURT: So the record is reflecting  
18 that Exhibit B, Exhibit C, and Exhibit D have been  
19 returned to the --

20           MS. KANE: Your Honor --

21           THE COURT: -- and Exhibit E have been  
22 returned to the Court.

23           Yes, Ms. Kane.

24           MS. KANE: I have further evidence to  
25 bring to the Court.



1 THE COURT: Well, I gave you folks until  
2 3:30. And if you decide not to split up the time,  
3 then you decided not to split up the time.

4 MS. KANE: Well, I have the evidence to  
5 prove that everything that he said is not defama-  
6 tion, is the truth. We have newspaper articles. We  
7 have everything to prove that it's not. That he's  
8 actually been cited by the ODC --

9 THE COURT: In connection with the trans-  
10 action that you're talking about?

11 MS. KANE: This has to do with what he's  
12 saying that is libelous in his complaint. He's  
13 saying that we libeled him. He's saying that every-  
14 thing that we said about him is false.

15 I have, basically, the case files from the  
16 Arthur Lee Ong case that he was involved with.

17 THE COURT: Are those certified copies of  
18 pleadings?

19 MS. KANE: These are stamped by the court.

20 THE COURT: Are they certified copies?

21 MS. KANE: How -- I'm not sure.

22 THE COURT: Have original seals on them?

23 MS. KANE: No, because these are copies of  
24 them.

25 MR. HOROWITZ: It states originals. It

1 says original, but it's --

2 THE COURT: It's a photocopy of what --

3 MR. HOROWITZ: Photocopy of the original.

4 THE COURT: That's inadmissible.

5 MS. KANE: Where's the newspaper article I  
6 gave you?

7 MR. HOROWITZ: It's up here.

8 MS. KANE: Can I please have it?

9 MR. HOROWITZ: Yeah.

10 MS. KANE: I just want to present that to  
11 the plaintiff.

12 And there's one more thing. This is an  
13 article that was in the Star Advertiser -- I'm  
14 sorry. This is an article that was in the Star  
15 Advertiser, your Honor, and basically it talks about  
16 the Art Ong case. And the article says the govern-  
17 ment says Ong conspired with convicted tax protestor  
18 Royal Lamar Hardy and Hawaii Island lawyer Paul  
19 Sulla to evade paying taxes and stop filing  
20 individual income --

21 THE COURT: What does that have to do  
22 with --

23 MS. KANE: Because he's saying that we  
24 called him a fraud. Not only -- Leonard wasn't able  
25 to finish pleading his case today. And other people

1 are saying that he has committed fraudulent  
2 activities. I have e-mails from people where --

3 THE COURT: I'm not going to admit e-mails  
4 from other people. If somebody wants to complain  
5 that Mr. Sulla's committed fraud, they come to  
6 court, they raise their right hand, and they make  
7 those allegations. Because you get an e-mail from  
8 somebody is not fraud. So denied.

9 MS. KANE: Okay. So how about the  
10 document from the ODC, which is titled "Order of  
11 public censure"? And they talk about how --

12 THE COURT: Does it have to do with Mr. --

13 MS. KANE: Yes.

14 THE COURT: -- Sulla's --

15 MS. KANE: It has to do --

16 THE COURT: Excuse me.

17 MS. KANE: I'm sorry.

18 THE COURT: Does it have to do with his  
19 involvement in the transfer of the subject  
20 property?

21 MS. KANE: No, it has not to do with that,  
22 but it has to do with what he's considered defama-  
23 tion on the web site. He's saying that what we  
24 said and what we listed is defamation and what we  
25 actually cited from real legal documents is

1     defamation.  You can't plead defamation if it's the  
2     truth.  And I'm an investigative journalist, and I  
3     don't speak --

4             THE COURT:  Well, you didn't testify to  
5     who you were and what your ethical obligations are  
6     to print the truth, so --

7             MS. KANE:  I did to Mr. Sulla, Paul  
8     Sulla --

9             THE COURT:  You tried to testify when you  
10    were asking questions.  You have not taken the  
11    witness stand.

12            Mr. Sulla, you may step down.

13                             --oOo--

14                    (The subsequent proceedings were reported  
15                    but were not transcribed herein.)

16

17

18

19

20

21

22

23

24

25

## CERTIFICATE

1  
2  
3 STATE OF HAWAII )  
4 COUNTY OF HAWAII ) SS.  
5  
6

7 I, JULIE SORENSON, CSR 148, an Official Court  
8 Reporter for the Third Circuit Court, State of  
9 Hawaii, hereby certify that the foregoing comprises  
10 a full, true, and correct transcription of my steno-  
11 graphic notes taken in the above-entitled cause.  
12  
13

14 Dated this 22<sup>nd</sup> day of MARCH, 2013.  
15

16   
17 JULIE SORENSON, CSR #148  
18  
19  
20  
21  
22  
23  
24  
25