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IN THE CIRCUIT COURT OF THE THIRD CIRCUIT STATE OF HAWAII

JASON HESTER, an individual)
Plaintiff,)
v.)
LEONARD G. HOROWITZ, an Individual;)
SHERRI KANE, an Individual; MEDICAL)
VERITAS INTERNATIONAL, INC. a)
California non-profit corporation; THE)
ROYAL BLOODLINE OF DAVID, a)
Washington Corp. Sole; and DOES 1)
through 50, Inclusive)
Defendants /Counter Claimants)

and)

LEONARD G. HOROWITZ, an Individual;)
SHERRI KANE, an Individual)
Counterclaimants)
v.)

JASON HESTER, an individual, PAUL J.)
SULLA, JR., an individual; PAUL J. SULLA,)
JR., Attorney-at-Law, A Law Corporation;)
THE OFFICE OF OVERSEER, A)
CORPORATE SOLE AND ITS)
SUCCESSOR, OVER AND FOR THE)
POPULAR ASSEMBLY OF REVITALIZE, A)
GOSPEL OF BELIEVERS, a Hawaii Corp.)
Sole; THE ECLECTIC CENTER OF)
UNIVERSAL FLOWING LIGHT-PAULO)
ROBERTO SILVA E SOUZA, a Hawaii)
Corp. Sole; FRIENDS OF THE AMAZON)
FOREST, a Domestic Nonprofit)
Corporation; THE HEALTH CONNECTION,)
INC., a Hawaii Profit Corporation; HEALTH)
FOR WEALTH, a Hawaii Nutritional)
Program/Products Company; PHILLIP L.)
CAREY, an individual, HERBERT M.)
RITKE, an individual; RONN RITKE, an)
individual.)

Counterclaim and Third Party Defendants

CIV. NO. 14-1-0304
(Other Civil Action: Quiet Title/Summary
Possession; Counterclaim RICO)

**SEPARATE CONCISE STATEMENT
REFERENCING RICO EVIDENTIARY
EXHIBITS [LR33.1]; EXHIBITS "A"-
"WWW" (Supplementing
Answer/Counterclaim); NOTICE of
FILING and CERTIFICATE OF SERVICE**

TRIAL BY JURY DEMAND

JUDGE: Honorable Elizabeth Strance

Trial Date: Not Yet Set

CLERK
L. CHIRREN

2014 AUG 21 PM 4:04

FILED
CIRCUIT COURT OF
THE THIRD CIRCUIT
STATE OF HAWAII

FACTS

1. On-or-about Oct. 12, 2000, subject property Seller, Cecil Loran Lee, defrauded Buyers Didier Flament and Phillip Maise, concealing his marijuana conviction and federal lien on the property, as ruled by Nakamura Court, April 27, 2005 in Civ. No. 01-01-0444.

2. On June 10, 2003, Lee fails to disclose the aforementioned case and federal lien, and baits Horowitz to buy the same subject property by "unconscionable bargain."

3. On January 6, 2004, Lee and domestic partner, HERBERT M. RITKE, extorted HOROWITZ to rob his \$85K non-refundable deposit.

4. January 12-14, 2004, HOROWITZ hires Glenn S. Hara to remedy extortion, and Hara drafts "Agreement for Closing Escrow" that supersedes the Mortgage (by paragraph 19.)

5. Jan. 15, 2004, Mortgage is executed and on Oct 14, 2004, HOROWITZ files breach of contract claim Civ. No. 04-1-0339 against Lee for theft, breach of Hara-drafted "Agreement," harassment, and threatening foreclosure immediately after closing escrow.

6. Nov. 10, 2004, Lee's attorneys exhibit said "Agreement" in Lee's defense; then before June 15, 2005, Lee alters Agreement by forgery to bring Civ. No. 05-1-0196 foreclosure case.

7. On Jan. 30, 2007, Lee charges Maise and Horowitz with conspiracy and Demands Judge Nakamura recuse himself for, inter alia, finding Lee guilty of forgery in Civ. No. 01-01-0444.

EVIDENTIARY SUPPORT

Defendants "Answer & Counterclaim," "DAC" Exh. "A". Letter from Didier Flament to Lee. Oct. 12, 2000.

"DAC" Exh. "B". Lee's handwritten DROA and Seller's Disclosure to Horowitz. June 10, 2003.

"DAC" Exh. "C". Lee's handwritten DROA to Horowitz. June 10, 2003.

"DAC" Exh. "D". The "HARA FILE". January 12-14, 2004.

"DAC" Exh. "E". Mortgage and Promissory Notes Executed by HOROWITZ as individual and as Overseer, THE ROYAL BLOODLINE OF DAVID ministry. January 12-14, 2004; Exh. "F" Answer to Complaint Civ. No. 04-1-0339.

"DAC" Exh. "F" Answer to Complaint Civ. No. 04-1-0339; See Forgery in Exhibit "D", Exhibits page 32.

"DAC" Exh. "G" Answer to Complaint Civ. No. 04-1-0339; See Forgery in Exhibit "D", Exhibits page 32.

8. June 29, 2006 thru April 9, 2007, Lee claims bankruptcy to Ibarra Court, HOROWITZ estate manager, ROXANNE JOAN HAMPTON, and Bankruptcy Court No. 07-175. "DAC" Exh. "H" Ibarra Ct Record 6-29-06; Cs. No. 07-175 filing; and Hampton's 4-8-07 e-mail to HOROWITZ attorney, John S. Carroll; Also Nakamura Ct. Final Judgment Lee v. Maise Civ. No. 05-1-0235 10-25-06.
9. On April 8, 2008, the Ibarra Court filed FOF, COL, AND ORDER DENYING FORECLOSURE AGAINST ALL DEFENDANTS. "DAC", Exh. "I". Ibarra Court ruling, Civ. No. 05-1-0196.
10. On April 8, 2008, the Trial Court ordered that the Mortgage balloon payment "be accelerated"... "DAC", Exh. "I". last sentence in Order, Exhs. pg. 84.
11. On July 22, 2008, the FINAL JUDGMENT awarded Defendants \$200,000.00 for Seller's fraud in the sale of the property. "DAC", Exhs. "J" and also AMENDED FINAL JUDGMENT on Feb. 23, 2009, Exh. "K", p. 2, para. 3.
12. On February 2-27, 2009 HOROWITZ et. al. finished paying Maise garnishor, Lee's final balloon payment of \$152,204.13 to clear Mortgage using \$200K award credit. "DAC", (Exhibits Exhs. "L" and "M"- Motion to Compel, Affidavit of Maise, p. 6; and NOTICE OF SATISFACTION OF GARNISHMENT ORDER, p. 2
13. 2-27-09 thru 5-28-09 Lee and Sulla scheme to evade Mortgage Release in violation of HRS §506-8; Horowitz, et. al., file COMPLAINT FOR CONVEYANCE in Strance Ct. Civ. No. 09-1-0178, May 21, 2009. "DAC", Exh. "M" Motion to Compel; Exhibits; and Exh. "N" COMPLAINT FOR CONVEYANCE in Strance Court.
14. On February 25, 2009, the Trial Court issued Amended Final Judgment sustaining \$200,000.00 jury award, but erroneously ruling HOROWITZ, not Seller, had forged a closing agreement (Appeal CAAP-13-0003796) "DAC", (Exh. "K")
15. **May 15, 2009, Lee/Sulla violate HRS §651C to evade five (5) judgment creditors by Fraudulently Warranted Assignments** of paid-off Mortgage and Promissory Notes to a not yet incorporated "church" addressed at RITKE's house (i.e., "fraudulent conveyance.") "DAC", (Exhs. "O," "P", "Q," and "R")
16. On May 21, 2009, Sulla, Jr. enters as Counsel for Seller and Files Notice of Appeal to vacate \$200,000.00 jury award by fraud. "DAC", Exh. "???" for Hoohiki'I Record of SULLA's first appearance counseling Lee for "Pro Se" prosecution

FACTS (cont.)

17. May 15-28, 2009, synchronous with the Complaint to Compel Mortgage Release filed in Strance Ct. Civ. No. 09-1-0178, Lee and SULLA, JR. certified incorporation of Corp. Trust "REVITALIZE GOSPEL OF BELIEVERS" with DCCA to generate false debt and evade 5 judgment creditors.

18. On May 15, 2009, Seller with HESTER as Witness execute fraudulently warrant-ed securities--Mortgage and Promissory Note Assignments--neglecting *w/scienter* HOROWITZ's payments and judgment creditors' interests and equity.

19. On September 8, 2009, SULLA, JR. filed said fraudulent Mortgage with Bureau of Conveyances, manufacturing \$375,000.00 of fake debt (i.e., "false debt" to extort HOROWITZ and his ministry in violation of HRS §707-764(1)(b)(c) and (h); and anti-Theft law HRS §708-830(1)or(6), inter alia.

20. On Sept. 18, 2009, SULLA files "Suggestion of Death of Appellant" Lee, falsely claiming HESTER as Lee's "nephew;" and substitutes a fake "church" corp. shell and shall HESTER beneficiary of Lee's bankrupt estate as Plaintiff and Appellant.

21. From Nov. 6, 2009 thru Jan. 5, 2010, SULLA, JR. mailed HOROWITZ extortions for payments not owing, and HOROWITZ replied with evidence of all required payments having been made and Seller's evasion of service to release the Mortgage.

22. On December 11, 2009, the defrauded Trial Court issued a SECOND AMENDED FINAL JUDGMENT, substituting the sham "church" for the deceased Seller, vacated the \$200,000.00 jury award on a technicality, neglected HOROWITZ's malicious prosecution claim, and pleadings for fees and costs.

EVIDENTIARY SUPPORT

"DAC", Exh. "O".

"DAC", Exhs. "P," "Q", "R," and "Q"); Evidence of five (5) **judgment creditors** in Exhs. "J," "K", "L" and "M".)

"DAC", Exhs. "P," "Q" and "R"

"DAC", Exhs. "S" and pg. "??" Court Record; See also sham "church" evidence from federal court filing in CV13-00599HGB/ filed by RITKE addressees, Exh. "T"; and Affidavit of Chris Baker (PI), Exh. "U".

"DAC", Exh. "L", and Exh. "M".

"DAC", Exh. "V" and "W".

23. December 29, 2009, HOROWITZ filed Notice of Appeal (No. 30293), on matter of fraud pled and award vacated; **neglected for three (3) years** by Appellate Court before remanding to Trial Court for lacking jurisdiction on January 23, 2013.

"DAC", Exh. "X".

24. On April 20, 2010, with knowledge: a) \$200K award still under said Appeal; b) foreclosure was DENIED for substantial equity held by HOROWITZ; c) Lee forged closing Agreement; d) "church" as a sham; e) HESTER was shill; and f) debt was manufactured by fraudulently warranted fraudulent transfers, SULLA Noticed Parties and consumers by newspaper publication the he would sell the subject property by non-judicial foreclosure (NJF); and he then did so by "mock auction" with complicit "shiller bidder" HESTER; under protest by HOROWITZ et. al.

"DAC", Exh. "Y", pg. 1.

25. NJF was conducted illegally with scienter under "color of law" by reason of said fraudulent transfers, fake securities, and manufactured "false debt", evading FORECLOSURE DENIED Judgment in Civ. No. 05-1-0196, appellate court due process advancing, and recklessly violating Horowitz et. al.'s rights and neglecting damages from title slander, extortion, trespass to chattels, and theft.

"DAC", Exh. "Y", pg. 1.

26. On May 11, 2010, SULLA, JR. caused a Quitclaim Deed and MORTGAGEE'S AFFIDAVIT OF FORECLOSURE UNDER POWER OF SALE to be filed with the Bureau of Conveyances transferring color of title from the "church" to itself.

"DAC", Exhs. "Z", AND "AA".

27. On June 9, 2011, SULLA, JR. issued HESTER a \$50,000.00 Mortgage secured by the color of title he manufactured, encumbering the Subject Property.

"DAC", Exh. "BB".

28. The same day (6/9/11) SULLA, JR. conveyed the "church" deed to HESTER; converting purported "ownership" of the million-dollar property to HESTER for \$10 under "color of title." "DAC", Exh. "CC".

28. Two weeks later, June 21, 2011, HESTER, by SULLA's concealed instruction, handwriting on the Summons, and surety interest, maliciously prosecuted, in criminal contempt of two courts, by Eviction Complaint Civ. No. 3RC 11-1-662, in a court known to him to lack jurisdiction over title disputes; naming exclusively HOROWITZ's corporation to inflict most monetary damage; knowing HOROWITZ was the real party of interest, indispensable party, yet failed to name him so that the matter could not be addressed pro se, to bring the ministry into insolvency. "DAC", Exh. "DD".

29. On Sept. 17, 2011, HOROWITZ's Royal Bloodline of David Ministry was forced into insolvency by the SULLA/HESTER litigation, and dissolved after eleven years of outstanding humanitarian service. "DAC", Exh. "EE".

30. On Oct. 4, 2011, SULLA contrived by fraudulent STIPULATION FOR CONTINUANCE to enter as HESTER's lawyer in Civ. No. 3RC 11-1-662 to delay the Sept. 26, 2011 hearing and prompt dismissal, to further damage HOROWITZ financially more than \$50,000.00. "DAC", Exh. "FF".

31. On Feb. 13, 2012, Judge Freitas DISMISSED Civ. No. 3RC 11-1-662, after SULLA, neglecting the title matter, argued recklessly to eject HOROWITZ or receive rental payments with no lease. "DAC", Exh. "GG".

32. On May 7, 2012, HOROWITZ was threatened with assault, and slandered publicly by SULLA's accomplice in "DMT" drug manufacturing, Michael Sakell, who was arrested twice on drug charges, was permanently enjoined by the Court on Aug. 6, 2012, but "DAC", Exhs. "HH," and "II".

provided an AFFIDAVIT OF MICHAEL SAKELL to HOROWITZ before turning hostile as a result of being threatened by SULLA and HESTER.

33. Also on May 7, 2012, HOROWITZ filed "Theft 2" Complaint C12012645 with Pahoa Police, to recover \$5,000.00 in stolen silver coins removed from a hiding place in HOROWITZ's house that only SULLA's cronies, Sakell and HAMPTON knew about; since HAMPTON hid the coins while acting years earlier as HOROWITZ's property manager. The attempted assault of HOROWITZ by HAMPTON's and SULLA's drug community associate, Sakell, resulted from HOROWITZ simply asking Sakell what he knew about the stolen coins.

"DAC", Exh. "JJ."

34. On May 8, 2012, when HOROWITZ filed against Sakell, KANE filed to enjoin SULLA/HESTER and Sakell's conspirators in extortion, defamation, cyber-bullying, and theft, HAMPTON and OTT from publishing revenge pornography in Civ. NO. 3SS 12-1-000147; and Between May 25, and June 18, 2012, HOROWITZ and KANE were forced to file police complaints M-12025700, and No. M-12029892, regarding cyber-bullying, defamations, and perjury during Court actions to enjoin SULLA's co-conspirators.

"DAC", Exhs. "KK" and "LL".

35. On July 20, 2012, in the courtroom trying KANE v. HAMPTON, in Civ. No. 3SS 12-1-000147, SULLA, JR. served HOROWITZ and KANE a SLAPP lawsuit for purported *defamation*, Civ. No. 12-1-0417, flipping the *actual defamation* that HAMPTON, OTT, and SULLA, et. al. sourced, claiming HOROWITZ and KANE were defaming SULLA and his son.

"DAC", Exhs. "MM".

36. On June 17, 2013, the Strance Court, defrauded by SULLA's perjury and fraud in Civ. No. 12-1-0417, *censored pro se whistleblowers* HOROWITZ and KANE from "Public Participation in Government" and

"DAC", Exhs. "NN"; "OO" for Order Denying Joinder of Hester et. al.; "PP" Order Denying SULLA's arrest; and "QQ" Order Denying Motion to Dismiss due to

complying with Hawaii's Public Duty Law, HRS 703-303, exposing SULLA's conspiracy to commit theft, foreclosure fraud, and drug manufacturing, aiding-and-abetting, inter alia: a) violation of HRS § 708-830 (1) or (6); and "defamation" since slandering property title is considered a form of "defamation" in law.

purported lacking Table of Contents and Authorities.

37. Devastated financially more than \$7M since 2004, and damaged outrageously in their reputations and businesses by the conspirators' actions, especially SULLA's abuse of the courts to leverage extortion and property theft, and then the PI, caused HOROWITZ to have to give up all other work to study law, full time, to defend his and KANE's reputations and his remaining estate against SULLA's crime gang's abuse of the Courts to destroy him and KANE completely.

"DAC", Exhs. "RR," Containing Affidavit of LEONARD G. HOROWITZ.

38. During Discovery pursuant to the foreclosure fraud and SULLA'S real estate business, DACs discovered the attorney directs a vast real estate enterprise administered by either his aliases, or "Ayahuasca Church" associates, including HOROWITZ's previous attorney, Gary Zamber.

"DAC", Exh. "SS".

39. DACs discovered evidence that SULLA, JR. appears to have forged the signatures of five different parties to real estate transactions involving more than 50 properties, including "Robert L Powes" and "Robert L Powers" who granted SULLA, III, a 4.760 acre "condominium" for \$10.00.

"DAC", Exh. "SS" pp. 337-340.

40. Clear and convincing evidence in Bureau of Conveyances records provides substantial probable cause to investigate SULLA for fake trusts, sham partnerships, tax evasion, and apparent drug money laundering incoming from "church" "donations," according to HOROWITZ's and KANE's knowledge and beliefs after carefully examining these records.

"DAC", Exhs. "SS" and "WWW".

41. On Aug. 29, 2012, SULLA forged the signature of CAREY, according to Carey's admission on Sept. 5, 2012; and on September 20, 2013, SULLA forged the signature of "R DUM" on three (3) ejectment notices left on the front gate of HOROWITZ's estate attached to CAREY's stationary, to terrorize HOROWITZ and co-residents, according to forensic document expert, Beth Chrisman's two analyses.

"DAC", Exhs. "TT," "UU", "VV" and "AAA".

42. SULLA, JR. entered AFFIDAVIT OF ROBERT DUKAT in "bad faith" to conceal his forgery, terroristic threatening, and criminal trespass on Sept. 20, 2013. The act frightened HOROWITZ's community causing two of HOROWITZ's caretakers to vacate, and a third to seek an alternative residence and lose several days labor; but not before each filed affidavits with police, further exposing the SULLAS' illegal drug manufacturing and trafficking "church." The organization concealed by SULLA, JR. during his sworn testimony on January 4, 2013, is registered as "The Eclectic Center of Universal Flowing Light - Paulo Roberto Silva E Souza (CEFLUPARSS)," in DCCA records.

"DAC", Exhs. "VV," "WW," and "XX", and "YY".

43. On April 25, 2014, local family therapist, and former SULLA, JR. client Allene Kaplan, provided her Affidavit of Allen Kaplan, supplying additional handwriting samples enabling Beth Chrisman to issue a second analysis providing a strong probability that Dukat did not sign the terrorizing Notices, and SULLA, JR. did. Kaplan also explained that she had been victimized by SULLA, JR.'s "exploitative tactics," "running up substantial legal fees."

DAC", Exh. "AAA" and "BBB".

44. On April 16, 2014, Judge Strance Ordered the parties to Mediation, and instructed SULLA, JR. to conduct himself more civilly toward KANE and HOROWITZ. In further contempt, SULLA, JR. immediately plotted to extort HOROWITZ and retaliate against him for having filed said commercial lien against SULLA's real estate enterprise; and on April 25, 2014, during a SULLA/CAREY solicited "Settlement Meeting," SULLA, JR. immediately served HOROWITZ with another **malicious prosecution** Ejectment Complaint, Civ. No. 3RC 14-1-466, in the same "wrong court" that DISMISSED his earlier criminal contempt in Civ. No. 3RC-11-1-662, evidencing gross recklessness far worse than simple harassment. This is prima facie criminal contempt in violation of HRS §710-1077(c).

DAC", Exhs. "CCC", "DDD," and "EEE".

45. On April 28, 2014, HOROWITZ filed "ANSWER TO MALICIOUS PROSECUTION IN COURT LACKING JURISDICTION . . ." and then on July 14, 2014, HOROWITZ filed MOTION FOR SANCTIONS FOR CRIMINAL CONTEMPT OF COURT AND MALICIOUS PROSECUTION IN ATTEMPTED THEFT OF REAL ESTATE BY CONCEALED SURETY PAUL J. SULLA, JR.; and on Aug. 11, 2014, Judge Freitas directed SULLA, JR. and HESTER to file their Complaint in the proper Circuit Court, or otherwise he would advance process to trial on HOROWITZ's two claims.

DAC", Exhs. "FFF" and "GGG".

46. On Aug. 11, 2014, SULLA, JR. filed COMPLAINT TO QUIET TITLE AND FOR SUMMARY POSSESSION AND EJECTMENT: a) as concealed surety and Lee estate co-beneficiary, in violation of RCCH Rule 19(b); b) with no standing since foreclosure was: i. illegal under HRS 651C (*Bank of Hawaii v. Kunimoto* (19 1981 10 20),); ii. purportedly conducted by a party not named in this suit (i.e. the "church" trust); and iii. Plaintiff HESTER lacks "prudential standing" to bring foreclosure (*Deutsche Bank v.*

Evidenced above.

Williams'; see also *Oregon v. Legal Servs. Corp.*, 552 F.3d 965, 971 (9th Cir. 2009); c) recklessly neglecting: i. FORECLOSURE DENIED Final Judgment(s) in Civ. No. 05-1-0196; and ii.) res judicata; and d) in: i. criminal contempt of court; and ii. conspiracy to commit a pattern of organized crimes including extortions, mail fraud, consumer fraud, theft, fraudulent transfers, securities fraud, consumer fraud, foreclosure fraud, criminal harassment, defamation, and unfair competition (i.e. anti-trust).

47. The Plaintiffs provided clear and convincing evidence that HOROWITZ and his ministry has been damaged and harassed by SULLA, et. al.'s efforts to foreclose and evict the Plaintiffs unlawfully; further detailed in Affidavit of Leonard G. Horowitz Pursuant Damages Caused by Racketeering Activities of Attorney Paul J. Sulla, Jr. filed in the Strance Court on June 5, 2013.

48. Injunctive Relief to Quiet Title and freeze SULLA, JR.'s assets is reasonable and just under the aforementioned circumstances, as title was slandered exclusively by attorney SULLA, JR. (See: In re Estate of Ferdinand Marcos Human Rights Litigation, 25 F.3d 1467, 1480 (9th Cir. 1994) ("We join the majority of circuits in concluding that a district court has authority to issue a preliminary injunction where the plaintiffs can establish that . . . the defendant has engaged in a pattern of secreting or dissipating assets to avoid judgment"), cert. denied, 513 U.S. 1126, 115 S.Ct. 934, 130 L.Ed.2d 879 (1995).)

DATED: Pahoā, HI, Aug. 21, 2014

LEONARD G. HOROWITZ
in Propria Persona

SHERRI KANE,
in Propria Persona

