

Paul J. Sulla, Jr. (SBN 5398)  
PO Box 5258  
Hilo, HI 96720  
Telephone: 808/933-3600  
Fax: 808/933-3601

Pro Se and Attorney for  
Paul J. Sulla Jr., Attorney At Law  
A Law Corporation

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

LEONARD G. HOROWITZ, an	)	
Individual; SHERRI KANE, an	)	CIVIL NO.: CV15-00186 JMS-BMK
Individual	)	
	)	
Plaintiffs,	)	<b>DEFENDANT PAUL J. SULLA, JR.’s</b>
	)	<b>REPLY MEMORANDUM IN</b>
vs.	)	<b>SUPPORT OF MOTION TO DISMISS</b>
	)	<b>[CM/ECF No. 15] AND IN</b>
PAUL J. SULLA, JR., an individual;	)	<b>OPPOSITION TO PLAINTIFFS’</b>
PAUL J. SULLA JR., ATTORNEY AT	)	<b>“COUNTER-MOTION FOR</b>
LAW A LAW CORPORATION, a	)	<b>SANCTIONS IN REPLY TO PAUL J.</b>
corporation; THE ECLECTIC	)	<b>SULLA, JR.’s MOTION TO DISMISS”</b>
CENTER OF UNIVERSAL	)	<b>[CM/ECF No. 23]</b>
FLOWING LIGHT-PAULO	)	
ROBERTOSILVA E SOUZA, a	)	
Hawaii corporation sole; JASON	)	
HESTER, an individual; THE OFFICE	)	
OF THE OVERSEER, A	)	
CORPORATE SOLE AND ITS	)	
SUCCESSOR, OVER AND FOR THE	)	
POPULAR ASSEMBLY OF	)	
REVITALIZE, A GOSPEL OF	)	
BELIEVERS; ALMA C. OTT, an	)	
individual; MOTHER EARTH	)	
MINERALS, a Utah online health	)	
products company, d.b.a.,	)	
MEMINERALS.com; and DOES 1	)	
through 50, inclusive,	)	
	)	
Defendants.	)	
_____	)	

COMES NOW, Defendant PAUL J. SULLA, JR. appearing pro se, and Defendants PAUL J. SULLA JR., ATTORNEY AT LAW A LAW CORPORATION and THE ECLECTIC CENTER OF UNIVERSAL FLOWING LIGHT-PAULO ROBERTOSILVA E SOUZA (collectively, the “Defendants”) by and through their attorney Paul J. Sulla, Jr. and respectfully files this, their **REPLY MEMORANDUM IN SUPPORT OF MOTION TO DISMISS [CM/ECF No. 15] AND IN OPPOSITION TO PLAINTIFFS’ “COUNTER-MOTION FOR SANCTIONS IN REPLY TO PAUL J. SULLA, JR.’s MOTION TO DISMISS” [CM/ECF No. 23].**

### **I. Introduction**

The Complaint filed herein on May 19, 2015 (the “Complaint”) by Plaintiffs Leonard G. Horowitz (“Horowitz”) and Sherri Kane (“Kane”) (collectively, “Plaintiffs”) makes twenty fanciful claims against seven Defendants that Plaintiffs blame for various unrelated wrongs. The Complaint is currently pending hearing on Defendants’ Motion to Dismiss. In Opposition to Defendants’ Motion to Dismiss, Plaintiffs’ filed a “Counter-Motion for Sanctions”<sup>1</sup> (hereinafter “Counter-Motion”) which, like the Complaint, is a work of fiction and fantasy. It also contains numerous pages of irrelevant and libelous statements and thus Defendants request that it be stricken from the record.

There exist numerous state and federal cases in Hawaii and elsewhere wherein Plaintiffs, usually appearing pro se, file meritless claims or counterclaims. Plaintiffs have attempted to litigate the same legal issues over and over again and are doing the same now.

---

<sup>1</sup> The full name of this motion, which is CM/ECF Doc. No. 23, is “COUNTER-MOTION FOR SANCTIONS IN REPLY TO DEFENDANT PAUL J. SULLA, JR.’S MOTION TO DISMISS EVIDENCING: (1) IMPROPER CERTIFICATION; (2) BAD FAITH ANSWER; (3) *FORGED* ARTICLES OF INCORPORATION – THE “SMOKING GUN” IN “UNCLEAN HANDS” VOIDING MORTGAGEE’S NON-JUDICIAL FORECLOSURE AND JASON HESTER’S CLAIM TO TITLE, BASED UPON FORENSIC DOCUMENT AND HANDWRITING EXPERT BETH CHRISTMAN’S DECLARATION”.

Plaintiffs' Counter-Motion for Sanctions should be denied and their Complaint dismissed with prejudice as both fail to communicate any discernable logical action for the Court or the parties to take.

## **II. Plaintiffs' potential incompetence**

Before continuing on in the obvious back-and-forth of legal pleadings that is litigation, Defendants must note the obvious: that Plaintiffs may not actually be competent to continue to represent themselves pro se in this matter. In this and other cases Plaintiff Horowitz especially makes wild allegations about himself and others that bear no relation to fact. For example, on page 22 of the Counter-Motion, paragraph 14(3) Plaintiff Horowitz goes into detail once again about his "personal induction into diplomatic service by the Honorable Sovereign Prince of Russia, Michael Romanov." Defendants request that the Court take judicial notice of the fact that Russia is not a monarchy and hasn't been since 1917<sup>2</sup> and thus any person pressing Plaintiff into diplomatic service cannot have any authority to do so on behalf of Russia. Plaintiff Horowitz is therefore no diplomat, not that it bears any relevance to this case. It is merely an example of one of the many truly unreal statements Plaintiffs continue to insist upon. Defendants being forced by Plaintiffs to fly to Honolulu to litigate against such absurdity with a straight face again and again is oppressive. This waste of judicial resources must end and Plaintiffs' case should be dismissed with prejudice. Any further ridiculous filings by Plaintiffs should be stricken by this Court and Plaintiffs' sanctioned as vexatious filers.

---

<sup>2</sup> See: Tsarskoye Selo State Museum-Preserve website on the Russian Monarchy at: <http://eng.tzar.ru/museums/history/monarchy> ("The history of the Imperial Romanov Family is part of Russian history... until the last Russian emperor Nicholas II's abdication in 1917.")

**III. There was nothing improper about Defendants' Motion to Dismiss**

The core of Plaintiffs' argument in their Counter-Motion appears to be that somehow it was procedurally improper for Defendants to file a Motion to Dismiss in lieu of an Answer. There was nothing improper about filing a Motion to Dismiss prior to filing an Answer. The rules explicitly allow such a filing and, in fact, it is procedurally improper for the Court to entertain Plaintiffs' Counter-Motion or for Defendants to file an Answer until the Court rules on Defendants' Motion to Dismiss. This is because Plaintiffs bear the burden of showing that the Court has jurisdiction over this matter in the first place and the Defendants contend that the Plaintiffs have failed to meet their burden.

**IV. Plaintiffs admit that their Complaint is based on their alleged rights to Hawaii property currently subject to active litigation in State Court thus the Rooker-Feldman Doctrine applies.**

In their Counter-Motion Plaintiffs' admit their Complaint is based on a previously-litigated alleged unlawful quitclaim deed and that they are ignoring the Hawaii Circuit Court for the Third Circuit finding that said Jason Hester's deed is lawful, granting summary judgment and quieting title in favor of Jason Hester (Co-Defendant herein). Plaintiffs also admit that there are at least two related state court cases still pending for which they disagree with the judge's rulings. In short, the Rooker-Feldman Doctrine applies.

**V. Plaintiffs' allegations, statements and alleged facts in their Counter-Motion and Complaint are not legally or factually accurate or relevant.**

Plaintiffs' claims originate in Defendants Sulla and Hester's allegedly wrongful nonjudicial foreclosure of Plaintiffs' residence. However, neither Plaintiff Horowitz nor Kane ever held valid title to that residence, title was held by a nonprofit called "Royal Bloodline of David" and the Court in *Hester v. Horowitz et al.*, Hawaii Circuit Court for the

Third Circuit, Case No. 3CC14-1-000304 has recognized same. Knowing that they do not have standing to pursue a wrongful foreclosure claim as individuals, and desperate to avoid an eviction that is overdo, Plaintiffs are attempting to litigate the same and similar issues over and over again in multiple courts and online (in the court of public opinion) hoping that, eventually, Defendant Hester, the owner of the property on which Plaintiff Horowitz resides, will just give up and give the property to Plaintiffs, *who never even owned the property in the first place*. This is a malicious use of the judicial system done purely with the intent to harass and obtain a financial windfall.

Despite filing over a thousand pages of documents with this and other courts, Plaintiffs have not once been able to provide any admissible evidence as proof of their many, many outlandish and wild claims. As such, their filings are not filed in good faith but instead are meritless, frivolous, and filed with vexatious intent.

**VI. Plaintiffs documents attached to their Opposition to Defendants' Motion to Dismiss converts the Motion to one of Summary Judgment further justifying immediate resolution of this issue on its merits.**

For the reasons set forth above there is no logical or legal basis for which this litigation can remain. Plaintiffs Complaint should not only be dismissed with prejudice, the case should be considered heard and decided on its merits under the summary judgment rules.

**VII. CONCLUSION**

For the foregoing reasons, Defendant Paul J. Sulla, Jr. respectfully request that the Court dismiss Plaintiffs' Complaint in its entirety with prejudice, deny Plaintiffs' Counter-

Motion and sanction Plaintiffs for their frivolous and vexatious filings by an award of attorneys' fees and costs.

DATED: Hilo, Hawaii, July 31, 2015.

/s/ Paul J. Sulla, Jr.

---

Paul J. Sulla, Jr., (SBN 5398)  
*Pro Se* and as Attorney for Defendant  
Paul J. Sulla Jr., Attorney At Law  
A Law Corporation

Paul J. Sulla, Jr. (SBN 5398)  
PO Box 5258  
Hilo, HI 96720  
Telephone: 808/933-3600  
Fax: 808/933-3601  
E-mail: psulla@aloha.net

*Pro Se Defendant* and as Attorney for Defendant  
Paul J. Sulla Jr., Attorney At Law  
A Law Corporation

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

LEONARD G. HOROWITZ, an )  
Individual; SHERRI KANE, an ) CIVIL NO.: CV15-00186 JMS-BMK  
Individual )

Plaintiffs, ) **CERTIFICATE OF SERVICE**

vs. )

PAUL J. SULLA, JR., an individual; )  
PAUL J. SULLA JR., ATTORNEY AT )  
LAW A LAW CORPORATION, a )  
corporation; THE ECLECTIC )  
CENTER OF UNIVERSAL )  
FLOWING LIGHT-PAULO )  
ROBERTOSILVA E SOUZA, a )  
Hawaii corporation sole; JASON )  
HESTER, an individual; THE OFFICE )  
OF THE OVERSEER, A )  
CORPORATE SOLE AND ITS )  
SUCCESSOR, OVER AND FOR THE )  
POPULAR ASSEMBLY OF )  
REVITALIZE, A GOSPEL OF )  
BELIEVERS; ALMA C. OTT, an )  
individual; MOTHER EARTH )  
MINERALS, a Utah online health )  
products company, d.b.a., )  
MEMINERALS.com; and DOES 1 )  
through 50, inclusive, )

Defendants. )  
\_\_\_\_\_ )

**CERTIFICATE OF SERVICE**

I hereby certify that, on the dates and by the methods of service noted below, a true and correct copy of the foregoing:

**DEFENDANT PAUL J. SULLA, JR.'s REPLY MEMORANDUM IN SUPPORT OF MOTION TO DISMISS [CM/ECF No. 15] AND IN OPPOSITION TO PLAINTIFFS' "COUNTER-MOTION FOR SANCTIONS IN REPLY TO PAUL J. SULLA, JR.'s MOTION TO DISMISS" [CM/ECF No. 23]**

was served via the Court's CM/ECF electronic filing system to:

Leonard G. Horowitz  
[editor@medicalveritas.org](mailto:editor@medicalveritas.org)  
*Pro se Plaintiff*

Sherri Kane  
[SherriKane@gmail.com](mailto:SherriKane@gmail.com)  
*Pro se Plaintiff*

DATED: Hilo, Hawaii July 31, 2015.

/s/ Paul J. Sulla, Jr.

\_\_\_\_\_  
Paul J. Sulla, Jr.