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In Pro Per

IN THE CIRCUIT COURT OF THE THIRD DISTRICT STATE OF HAWAI'I

PUALANI ESTATES AT KONA COMMUNITY ASSOCIATION, a Hawaii) Case No. 3CCV-21-0000188
non-profit corporation, Plaintiff,) NOTICE OF MOTION AND MOTION TO) COMPEL ARBITRATION (HRS § 658A-7) AND MOTION FOR JOINDER OF
v.	PERSONS NEEDED FOR JUST ADJUDICATION (HRCP RULE 19);
DEE ANN WUNSCHEL, an individual; JOHN DOES 1-10, DOE) MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
GOVERNMENTAL AGENCIES 1-10 and DOE ENTITIES 1-10 and Does 1 to 10,) MOTION, DECLARATION OF DEE ANN) WUNSCHEL;)
Defendants.)))
	,))
) Assigned to: Hon. Wendy DeWeese) Action Filed: June 25, 2021) Trial Date: TBD

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD. Please take notice that on October 29, 2021, at 8:00 AM or as soon thereafter as the matter can be heard, in the North & South Kona Division of the Circuit Court of the Third District located at 74-5451 Kamakaeha Ave., Kailua-Kona, Hawai'i 96740. Movant, Dee Ann Wunschel moves the Court to compel arbitration, pursuant to HI REV. STAT. § 658A-7.

The foregoing motion will be heard via Zoom remote conferencing on October 29, 2001, at 8:00 AM, in the Circuit Court of the Third Circuit, by the above-entitled Court. You are directed to appear remotely via Zoom video conferencing 15 minutes prior to the scheduled time. Your Zoom Conference ID is: 610 655 7731, no password in required. Non-attorney participants unable to participate by video may call 1 669 900 9128 to participate by telephone by using the above noted Zoom video conference ID.

Motion will be made on the grounds that Plaintiff's complaint is subject to mediation and arbitration based on the Pualani Estates Declarations of Covenants, Conditions, Restrictions and Easements Dated October 20, 2003 and filed for record on October 27, 2003 as Document 2003-234864, thus this Court lacks subject matter jurisdiction pursuant to HI RULES OF CIVIL PROCEDURE 12.

Motion will further be made pursuant to Ha. Dist. Ct. R. Civ. P. 19 for joinder of persons needed for just adjudication. Motion will be made on the grounds that Hawaiiana Management Company Ltd. is a necessary party and that without such party the Court cannot accord complete relief among existing parties.

This motion is made based on this notice, the memorandum of points and authorities, supporting declaration, the records and files in this action, and on such evidence as may be presented at the hearing of the motion.

Date: September 9, 2021

Dee Ann Wunschel, Movant in pro per

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