

CAAP-12-0000503

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR THE
REGISTERED HOLDERS OF MORGAN STANLEY ABS CAPITAL 1 INC. TRUST
2007-HE7 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-HE7,
Plaintiff-Appellee,

v.

ANTHONY PA'A, Defendant-Appellant,

JOHN DOE OR JANE DOE; ALL PERSONS RESIDING WITH
AND ANY PERSONS CLAIMING BY AND THROUGH OR UNDER THEM,
Defendants-Appellees.

APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT
WAILUKU DIVISION
(DC-CIVIL NO. 11-1-2880)

SUMMARY DISPOSITION ORDER

(By: Nakamura, C.J., and Leonard and Ginoza, JJ.)

In an appeal arising from an action for ejectment, Defendant-Appellant Anthony Pa'a (Pa'a) appeals from the April 30, 2012, Judgment for Possession entered in favor of Plaintiff-Appellee Deutsche Bank National Trust Company, as Trustee for the Registered Holders of Morgan Stanley ABS Capital 1 Inc. Trust 2007-HE7 Mortgage Pass-Through Certificates, Series 2007-HE7, which was filed in the District Court of the Second Circuit (District Court).¹

¹The Honorable Blaine J. Kobayashi presided.

On appeal, Pa'a contends that the District Court lacked subject matter jurisdiction over his case because he has demonstrated the continuing existence of the Hawaiian Kingdom. Our appellate courts, however, have repeatedly held that claims of this nature are without merit. In State v. Kaulia, 128 Hawai'i 479, 487, 291 P.3d 377, 385 (2013), the Hawai'i Supreme Court reaffirmed this view where it stated:

Kaulia appears to argue that he is immune from the court's jurisdiction because of the legitimacy of the Kingdom government. In that regard, we reaffirm that "[w]hatever may be said regarding the lawfulness" of its origins, "the State of Hawai'i . . . is now, a lawful government." State v. Fergerstrom, 106 Hawai'i 43, 55, 101 P.3d 652, 664 (App. 2004), aff'd, 106 Hawai'i 41, 101 P.3d 225 (2004). Individuals claiming to be citizens of the Kingdom and not of the State are not exempt from application of the State's laws. See id. at 55, 101 P.3d at 664; State v. Lorenzo, 77 Hawai'i 219, 883 P.2d 641 (App. 1994); State v. French, 77 Hawai'i 222, 883 P.2d 644 (App. 1994); Nishitani v. Baker, 82 Hawai'i 281, 921 P.2d 1182 (App. 1996); State v. Lee, 90 Hawai'i 130, 976 P.2d 444 (1999).

(Ellipsis points and brackets in original).

Accordingly, the April 30, 2012, Judgment for Possession entered by the District Court is affirmed.

DATED: Honolulu, Hawai'i, April 30, 2013.

On the briefs:

Anthony Pa'a
Defendant-Appellant Pro Se

Chief Judge

Robert E. Chapman
Mary Martin
(Clay Chapman Iwamura
Pulice & Nervell)
for Plaintiff-Appellee

Associate Judge

Associate Judge