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Supreme Court
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SCEC-20-0000507

IN THE SUPREME COURT OF THE STATE OF HAWAII

BRIAN EVANS, Plaintiff,

vs.

KAIALI'I (KAI) KAHELE, Defendant.

ORIGINAL PROCEEDING

ORDER DENYING THE MOTION FOR DEFAULT JUDGMENT AND ORDER DIRECTING
PLAINTIFF TO DELIVER A COPY OF THE COMPLAINT TO THE CHIEF
ELECTION OFFICER AS REQUIRED BY HRS § 11-172 AND REQUIRING THE
CHIEF ELECTION OFFICER TO FILE AN ANSWER

(By: Recktenwald, C.J., Nakayama, McKenna, and Wilson, JJ.,
and Circuit Judge Ashford, assigned by reason of vacancy)

Upon consideration of: (1) the Notice of Default -
Emergency Motion for Default Judgment and Motion to Set Aside
Primary Win of Kaiali'i "Kai" Kahele in Contested Election for
Failure to Timely Reply to Complaint Per Election Law of Hawai'i;
and (2) the Emergency Motion for Status of the Case filed by
Plaintiff Brian Evans, the papers in support, and the records and
files herein, it appears that there is nothing in the record that
shows Plaintiff delivered a copy of his complaint on the Chief
Election Officer as required by HRS § 11-172. Therefore,

IT IS HEREBY ORDERED that:

1. The motion for default and motion to set aside primary win are denied.

2. With regard to the status of the case, Plaintiff shall deliver a copy of the election contest complaint on Chief Election Officer Scott Nago not later than September 25, 2020.

3. Within five days after receipt of the election contest complaint, the chief election officer shall file an answer to the election contest complaint.

DATED: Honolulu, Hawai'i, September 21, 2020.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ James H. Ashford

