

**Electronically Filed
Supreme Court
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SCEC-20-0000508

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

ASHLEY (NOELLE) FAMERA-ROSENZWEIG, Plaintiff,

vs.

KAIALII (KAI) KAHELE, Defendant.

ORIGINAL PROCEEDING

ORDER DENYING EMERGENCY MOTION FOR DEFAULT JUDGMENT AND MOTION TO
SET ASIDE PRIMARY WIN OF KAIALII (KAI) KAHELE IN CONTESTED
ELECTION FOR FAILURE TO TIMELY REPLY TO COMPLAINT

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

Upon consideration of 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 filed by Plaintiff Ashley (Noelle) Famera-Rosenzweig (Plaintiff), 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 the 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. 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/ Lisa W. Cataldo

