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SCRQ-23-0000331

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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JUAN ANGEL RUBALCABA,  
Plaintiff-Appellant,

vs.

ASSOCIATION OF APARTMENT OWNERS OF MAKAKILO CLIFFS,  
by and through its Board of Directors,  
Defendant/Third-Party Plaintiff-Appellee,

and

PORTER MCGUIRE KIAKONA, LLP, fka Porter Tom Quitiquit  
Chee & Watts, LLP and Porter McGuire Kiakona & Chow, LLP;  
and EKIMOTO & MORRIS LLLC, Third-Party Defendants.

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RESERVED QUESTION FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CASE NO. 1CCV-22-0000743)

SUMMARY DISPOSITION ORDER

(By: Recktenwald, C.J., McKenna, and Eddins, JJ., Circuit Judge  
Remigio and Circuit Judge Johnson, assigned by reason of vacancies)

This court agreed to answer a reserved question from the  
Circuit Court of the First Circuit. The circuit court asked:

In a wrongful foreclosure case brought by a homeowner  
against a homeowners' association, should the mortgage debt  
of the homeowner to a third-party lender(s) that was  
discharged by the third-party lender's subsequent  
foreclosure be considered in determining/calculating the  
Plaintiff's damages?

We accepted the reserved question, advising that we intended to answer it through Wong v. Ass'n of Apartment Owners of Harbor Square, SCAP-22-0000552, a case then pending before us.

We decided Wong on February 29, 2024 and entered final judgment on April 2, 2024. 154 Hawai'i 58, 545 P.3d 547 (2024). Our decision describes how a plaintiff may calculate damages in a lawsuit against a condominium association for wrongful foreclosure.

Accordingly, we remand the case to the circuit court for further proceedings consistent with Wong.

DATED: Honolulu, Hawai'i, May 1, 2024.

Steven K.S. Chung and  
Anthony F.T. Suetsugu  
for appellant

Gene K. Lau  
for appellee

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Catherine H. Remigio

/s/ Ronald G. Johnson

