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Supreme Court
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SCRQ-23-0000331

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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.

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

