

**Electronically Filed  
Intermediate Court of Appeals  
CAAP-23-0000707  
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NOS. CAAP-23-0000400, CAAP-23-0000707  
AND CAAP-24-0000502

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

**NO. CAAP-23-0000400**

NAOMI HASEGAWA; ATSUSHI MORITA; KASUMI ISHIDA;  
TATSUTO EHARA; MAKOTO ISHIDA; HUN-DONG YU; TAO JIANG;  
WEI JIANG; XIUJUAN LI; SONGHUA ZHANG; YIHAO XU; RUIGANG TAN,  
Plaintiffs-Appellants,

and

YANLI XU; LILI WU; CHUANJIAO YU; TIANGE YANG;  
XIAOMIN HUANG; PINMEI WANG; XIAOHUI WU; YUYANG JING;  
LI WANG; DONG ZHANG; KE YUAN; WEI WANG; JING LIU,  
Nominal Plaintiffs,

v.

ZHONG FANG AKA JOHNSON FANG; MIN HU AKA MICHELLE HU;  
ZHE FANG AKA JAY FANG; YUJIA WANG AKA JIAJIA WANG;  
LAMEI FANG; USA REALTY CONSTRUCTION GROUP INC.; CALIFORNIA  
INVESTMENT REGIONAL CENTER LLC; CALIFORNIA REGIONAL CENTER LLC;  
AMERICAN INVESTMENT IMMIGRATION FUND; WUHAN WESTERN U.S.  
INVESTMENT IMMIGRATION CONSULTANT INC; HAWAII CITY PLAZA LP;  
HAWAII OCEAN PLAZA LP; LOS ANGELES CITY PLAZA LP; LA VALLEY  
GARDEN PLAZA LP; 9920 VALLEY BLVD LP; HAWAII OCEAN PLAZA LLC,  
Defendants-Appellees,

and

DAVID R. SQUERI; SOL V. YI; GREATER PACIFIC LAW OFFICE LLLC,  
Third-Party Plaintiffs/  
Third-Party Counterclaim Defendants-Appellees,

v.

WEN SHENG GAO; LAW OFFICE OF WEN SHENG GAO LIMITED LIABILITY LAW  
COMPANY, Third-Party Defendants/  
Third-Party Counterclaimants-Appellants,

and  
JUNSUKE AARON OTSUKA; OTSUKA & ASSOCIATES, A LIMITED LIABILITY  
LAW COMPANY, Third-Party Plaintiffs-Appellees,  
and  
JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10;  
DOE CORPORATIONS 1-10; DOE ENTITIES 1-10; DOE GOVERNMENTAL  
UNITS 1-10, Defendants,  
and  
DOE THIRD-PARTY DEFENDANTS 1-100, Third-Party Defendants

**NO. CAAP-23-0000707**

YANLI XU; NAOMI HASEGAWA; ATSUSHI MORITA; KASUMI ISHIDA;  
TATSUTO EHARA; MAKOTO ISHIDA; HUN-DONG YU; LILI WU; TAO JIANG;  
CHUANJIAO YU; TIANGE YANG; XIAOMIN HUANG; PINMEI WANG;  
XIAOHUI WU; YUYANG JING; LI WANG; DONG ZHANG; KE YUAN;  
WEI JIANG; XIUJUAN LI; SONGHUA ZHANG; YIHAO XU; WEI WANG;  
RUIGANG TAN; JING LIU, Plaintiffs-Appellees,  
v.

ZHONG FANG AKA JOHNSON FANG; MIN HU AKA MICHELLE HU; ZHE FANG  
AKA JAY FANG; YUJIA WANG AKA JIAJIA WANG; LAMEI FANG;  
USA REALTY CONSTRUCTION GROUP INC.; CALIFORNIA INVESTMENT  
REGIONAL CENTER LLC; CALIFORNIA REGIONAL CENTER LLC;  
AMERICAN INVESTMENT IMMIGRATION FUND; WUHAN WESTERN U.S.  
INVESTMENT IMMIGRATION CONSULTANT INC; HAWAII CITY PLAZA LP;  
HAWAII OCEAN PLAZA LP; LOS ANGELES CITY PLAZA LP;  
LA VALLEY GARDEN PLAZA LP; 9920 VALLEY BLVD LP;  
HAWAII OCEAN PLAZA LLC, Defendants-Appellants,  
and

DAVID R. SQUERI; SOL V. YI; GREATER PACIFIC LAW OFFICE LLLC,  
Third-Party Plaintiffs/Third-Party Counterclaim Defendants-  
Appellees

v.

WEN SHENG GAO; LAW OFFICE OF WEN SHENG GAO  
LIMITED LIABILITY LAW COMPANY, Third-Party Defendants/Third-  
Party Counterclaimants-Appellees,  
and

JUNSUKE AARON OTSUKA; OTSUKA & ASSOCIATES, A LIMITED LIABILITY  
LAW COMPANY, Third-Party Plaintiffs-Appellees,  
and

JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10;  
DOE CORPORATIONS 1-10; DOE ENTITIES 1-10;  
DOE GOVERNMENTAL UNITS 1-10, Defendants,  
and

Doe Third-Party Defendants-1-100, Third-Party Defendants

**NO. CAAP-24-0000502**

NAOMI HASEGAWA; ATSUSHI MORITA; KASUMI ISHIDA;  
TATSUTO EHARA; MAKOTO ISHIDA; HUN-DONG YU; TAO JIANG;  
WEI JIANG; XIUJUAN LI; SONGHUA ZHANG; YIHAO XU; RUIGANG TAN,  
Plaintiffs-Appellants,

and

YANLI XU; LILI WU; CHUANJIAO YU; TIANGE YANG;  
XIAOMIN HUANG; PINMEI WANG; XIAOHUI WU; YUYANG JING;  
LI WANG; DONG ZHANG; KE YUAN; WEI WANG; JING LIU,  
Plaintiffs-Appellees,

v.

ZHONG FANG AKA JOHNSON FANG; MIN HU AKA MICHELLE HU;  
ZHE FANG AKA JAY FANG; YUJIA WANG AKA JIAJIA WANG;  
LAMEI FANG; USA REALTY CONSTRUCTION GROUP INC.; CALIFORNIA  
INVESTMENT REGIONAL CENTER LLC; CALIFORNIA REGIONAL CENTER LLC;  
AMERICAN INVESTMENT IMMIGRATION FUND; WUHAN WESTERN U.S.  
INVESTMENT IMMIGRATION CONSULTANT INC; HAWAII CITY PLAZA LP;  
HAWAII OCEAN PLAZA LP; LOS ANGELES CITY PLAZA LP; LA VALLEY  
GARDEN PLAZA LP; 9920 VALLEY BLVD LP; HAWAII OCEAN PLAZA LLC,  
Defendants-Appellees,

and

DAVID R. SQUERI; SOL V. YI; GREATER PACIFIC LAW OFFICE LLLC,  
Third-Party Plaintiffs/  
Third-Party Counterclaim Defendants-Appellees,

v.

WEN SHENG GAO; LAW OFFICE OF WEN SHENG GAO LIMITED LIABILITY LAW  
COMPANY, Third-Party Defendants/  
Third-Party Counterclaimants-Appellants,

and

JUNSUKE AARON OTSUKA; OTSUKA & ASSOCIATES, A LIMITED LIABILITY  
LAW COMPANY, Third-Party Plaintiffs-Appellees,

and

JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10;  
DOE CORPORATIONS 1-10; DOE ENTITIES 1-10; DOE GOVERNMENTAL  
UNITS 1-10, Defendants,

and

Doe Third-Party Defendants 1-100, Third-Party Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 1CCV-19-0002025, Consolidated with  
1CCV-19-0002037 and 1CCV-19-0002169)

ORDER DENYING DEFENDANTS-APPELLANTS HAWAII CITY PLAZA LP  
AND HAWAII OCEAN PLAZA LP'S MOTION FOR RECONSIDERATION  
(By: Nakasone, Chief Judge, Leonard and Wadsworth, JJ.)

Upon consideration of Defendants Hawaii City Plaza LP and Hawaii Ocean Plaza LP's (**Project Defendants**) May 19, 2026 Motion for Reconsideration As To CAAP-23-0000707 Case (**Motion**), the May 21, 2026 Joinder in Defendants-Appellants Hawaii City Plaza LP and Hawaii Ocean Plaza LP's Motion for Reconsideration As to CAAP-23-0000707 Case (**Joinder**)<sup>1</sup> filed by self-represented Defendants Zhong Fang aka Johnson Fang, Min Hu aka Michelle Hu, Zhe Fang aka Jay Fang and Yujia Wang aka Jiajia Wang (**Individual Defendants**), the papers in support and the record, it appears that Project Defendants and Individual Defendants request that we (1) take judicial notice of the lawsuit pending in the Circuit Court of the First Circuit, Min Yan v. Zhong Fang, et. al., Civil No. 1CCV-24-0000006, (2) vacate the portion of our May 11, 2026 memorandum opinion affirming the Circuit Court of the First Circuit's November 8, 2023 Amended Order Enforcing Settlement<sup>2</sup>, and (3) remand for an evidentiary hearing on whether Plaintiffs breached Section III.Q and/or Section III.I of the parties' Settlement Agreement. The Project Defendants

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<sup>1</sup> The parties are reminded that pursuant to this court's March 5, 2025 Order consolidating CAAP-23-0000400, CAAP-23-0000707 and CAAP-24-0000502 under CAAP-23-0000400 the parties shall file all documents related to these appeals in case number CAAP-23-0000400. Noncompliance may result in the court striking duplicative or noncompliant filings.

<sup>2</sup> The November 8, 2023 Amended Order Enforcing Settlement was entered as Circuit Court docket entry number 1731 and is titled, "Amended Order (1) Denying the Motion to Set Aside Settlement Agreement and Lift Stay of Litigation Proceedings, Filed August 2, 2023 (Dkt. No. 1541); (2) Granting in Part, Denying in Part the Counter-motion to the Dkt. No. 1541 Motion (A) to Enforce the Settlement Agreement and Mutual Release as Dkt. No. 1234, and or, (B) Motion for Accounting, Filed August 17, 2023 (Dkt. Nos. 1548-1556); and (3) Granting O'Connor Playdon Guben & Inouye Plaintiffs' Motion to Enforce Settlement Agreement, Filed October 13, 2023 (Dkt. No. 1674)".

contend that "this new filing", Civil No. 1CCV-24-0000006, "constitutes strong additional evidence of a material breach of Sections III.Q and III. I. of the Settlement Agreement- the non-solicitation clause and confidential clause applicable to plaintiffs' counsel."

Hawai'i Revised Statutes (**HRS**) § 641-2(b) (2016) provides that "[e]very appeal shall be taken on the record, and no new evidence shall be introduced in the [appellate] court." See Wilmington Sav. Fund Soc'y FSB v. Domingo, Nos. SCWC-18-0000099, SCW-18-0000712, 2023 WL 2017392, at \*6 (Haw. Feb. 15, 2023) (mem.op.) ("The plain language of HRS § 641-2(b) prohibits an appellate court from accepting and considering new evidence."). The appellate court cannot "consider matters outside the record which could not have been considered by the trial court at the time its judgment was rendered." Casumpang v. ILWU Local 142, 108 Hawai'i 411, 420, 121 P.3d 391, 400 (2005) (cleaned up).

Therefore, IT IS HEREBY ORDERED that the Motion and the Joinder are denied.

DATED: Honolulu, Hawai'i, June 1, 2026.

/s/ Karen T. Nakasone  
Chief Judge

/s/ Katherine G. Leonard  
Associate Judge

/s/ Clyde J. Wadsworth  
Associate Judge