

**Electronically Filed
Intermediate Court of Appeals
CAAP-22-0000406
18-JAN-2024
03:47 PM
Dkt. 200 MR**

CAAP 22-0000406

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

JEFFREY SCOTT GOOLD,

Plaintiff-Appellant,

vs.

HAWAIIAN ELECTRIC COMPANY, INC.;
HAWAIIAN ELECTRIC INDUSTRIES,
INC.; ELIZABETH DEAR; SHANA M.
BUCO,

Defendants-Appellees

and

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

Defendants.

CIVIL NO. 1CCV-21-000216

APPEAL FROM:

FINAL JUDGMENT, filed Dec. 23, 2022

CIRCUIT COURT OF THE FIRST CIRCUIT,
STATE OF HAWAI'I

HONORABLE DEAN E. OCHIAI
Judge

PLAINTIFF-APPELLANT MOTION FOR RECONSIDERATION

MEMORANDUM IN SUPPORT OF MOTION

DECLARATION OF JEFFREY SCOTT GOOLD

APPENDIX A

CERTIFICATE OF SERVICE

JEFFREY SCOTT GOOLD

CAAP 22-0000406

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PLAINTIFF-APPELLANT MOTION FOR RECONSIDERATION

Plaintiff-Appellant (“Plaintiff” or “Mr. Goold”) hereby moves this Honorable Court for reconsideration of “Order Granting Motion to Dismiss Appeal” (“Dismissal Order”), filed

January 8, 2024, pursuant to the Hawai'i Rules of Appellate Procedure ("HRAP") Rule 40(a). Plaintiff's motion is timely, pursuant to HRAP Rule 26(a).

HRAP Rule 40(e) allows that, "Only one motion for reconsideration may be filed by any party, unless the court modifies the substance of its opinion, dispositional order, or ruling." This motion for reconsideration is novel.

This instant motion for reconsideration argues that Honorable Court "overlooked or misapprehended a point of law or fact" in Dismissal Order of January 8, 2024, and is based upon attached memorandum, declaration, and appendix in support of Motion, the records and files herein, and such other and further matters as may be properly brought to the attention of the Honorable Court.

DATED: Honolulu, Hawai'i, January 18, 2024.

JEFFREY SCOTT GOOLD

CAAP 22-0000406

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MEMORANDUM IN SUPPORT OF MOTION

ARGUMENT

On January 8, 2024, Honorable Court, under direction of presiding judge, Keith K. Hiraoka (“Hiraoka”), “granted” Mr. Goold’s motion to dismiss [Dkt No 172], which had been filed July 6, 2023. The order oddly was some 180+ days late and untimely. Plaintiff had perplexed and confounded the associate judges.

“Upon consideration of self-represented Plaintiff-Appellant Jeffrey Scott Goold's July 6, 2023 Request for Dismissal, the papers in support, and the record, IT IS HEREBY ORDERED that the motion is granted. The appeal is dismissed under Hawai'i Rules of Appellate Procedure Rule 42(b). IT IS FURTHER ORDERED that all pending motions are dismissed as moot.” [Dkt No 198] (attached as “**Appendix A.1**”)

Honorable Hiraoka was newly-added to the panel, along with sitting associate judges, Clyde J. Wadsworth and Kimberly T. Guidry, and made an error on Point of Law or Fact. Mr. Goold’s motion had been superseded by facts and action, and was therefore moot.

The most recent previous order issued by Honorable Court in this appeal had been authored by Honorable Clyde J. Wadsworth, presiding judge, along with associate judges, Karen T. Nakasone (“Nakasone”) and Kimberly T. Guidry, on June 29, 2023.

It remains unclear why Honorable Hiraoka replaced Honorable Nakasone. No explanation was provided. Further, Mr. Goold and Defendant-Appellee Hawaiian Electric Company (“HECO”) had filed numerous pleadings and motions after Mr. Goold’s July 6, 2023 motion.

The record is clear that HECO’s Motion to Strike “Plaintiff-Appellant Joinder as Hawaiian Electric Company Threatens Plaintiff-Appellant Jeffrey Scott Goold,” Filed September 5, 2023 at Dkt. No. 186, And To Dismiss The Appeal With Prejudice” [Dkt No 190] was the active motion on the table at the time of Honorable Hiraoka’s Dismissal Order. HECO’s motion and Mr. Goold’s response of September 20, 2023 [Dkt No 194 (attached as “**Appendix A.2**”)] superseded Mr. Goold’s July 6, 2023 request.

I. Court Error on Point of Law or Fact

Honorable Court ruled in Order Reinstating Appeal, filed April 14, 2023, that “pleadings prepared by pro se litigants should be interpreted liberally,” *Erum v. Llego*, 147 Hawai’i 368, 380-81, 465 P.3d 815, 827-28 (2020). [Dkt No 128]

Honorable Court reinforced their commitment to ensure pro se litigants, such as Mr. Goold receive access to justice. *Waltrip v. TS Enterprises, Inc.*, 140 Hawai i 226, 239, 398 P.3d 815, 828 (2016) (requiring courts to construe pro se filings in a reasonable manner that promotes access to justice); and, that Hawai’i’s appellate courts have “consistently adhered to the policy of affording litigants the opportunity to have their cases heard on the merits, where possible,” *Schefke v. Reliable Collection Agency, Ltd.*, 96 Hawai i 408, 420, 32 P.3d 52, 64 (2001) (citation and quotation marks omitted) [Dkt No 170, p4]

Mr. Goold filed the July 6, 2023 Request for Dismissal, as Honorable Court denied his request for continuance to allow Plaintiff the opportunity to clarify confusion over circuit court’s understanding and decision related to HECO’s waiver of service offer.

Inconsistencies may have prejudiced Judge Dean E. Ochiai’s understanding of the offer to waive service of process extended to Mr. Goold on about June 23, 2021, and referenced numerous times throughout court proceedings and hearings.

“What the Court finds **most troubling** with respect to the plaintiff’s failure to serve within the time period allowed by the rule is that the **defendant offered to waive services and for tactical purposes, the plaintiff elected to refuse the offer of waiver of service**. Accordingly the first amended complaint will be dismissed.”

[ROA, Dkt No 119, EX 86 P13-14, 25, 1-5] (Emphasis mine.)

Mr. Goold filed a motion with the court to resolve this confusion and potential judicial error. The matter came for hearing July 12, 2023. Plaintiff sought reconsideration for an extension, or continuance, from Honorable Court. Mr. Goold had also submitted Plaintiff’s complete opening brief at the time to rebut slanderous claims by HECO, though their attorney, Randall C. Whattoff, partner at Cox Fricke LLP, that Mr. Goold was seeking continuance simply to delay proceedings.

Honorable Court’s May 10, 2023 Order denied Plaintiff’s request for a temporary remand without prejudice to a motion or stipulation demonstrating compliance with the procedure set

forth in *Life of the Land v. Ariyoshi*, 57 Haw. 249, 251, 553 P.2d 464, 466 (1976) (per curiam) (“*Life*”). Honorable Court also denied Plaintiff’s request for an extension of time for the opening brief without prejudice to a motion demonstrating good cause for extensions.

Pursuant to Honorable Court’s Order, Plaintiff complied with procedures set forth in *Life*. Hawai’i Supreme Court held that a motion for relief under HRCP Rule 60(b) may be made in and considered by the circuit court while the appeal is pending. “May be made in and considered by” does not mandate Honorable Court action. Plaintiff’s appeal nevertheless could remain pending during the period of requested continuance, as set forth in *Life*.

This Honorable Court, lower court and Defendant HECO, a \$3 billion corporation, have legions of assistants, experts, staff and interns. Honorable Court’s denial of extension and subsequent dismissal shows a lack of empathy toward common citizens to ensure access to justice. This disregard for ordinary people is disturbing, and suggests massive corruption in Hawaii’s judiciary.

II. Lack of Legal Logic

Mr. Goold pointed out the lack of legal logic forcing a pro se litigant into two threads of pleadings and hearings concurrently before Honorable Court and circuit court (“court”). [Dkt No. 164 at I, p3] Due to Honorable Court’s notice of extension June 15, 2023, Mr. Goold requested to reschedule the July 12, 2023 hearing before the court until August. Mr. Goold was concerned about a traffic jam of pleadings and hearings.

Mr. Goold previously pointed out the lack of legal logic in Honorable Court’s refusal to investigate Plaintiff claims that Defendant HECO violated Rule 11 protocols. Honorable Court created a Catch 22 paradox. [Dkt No. 106, p2-3]

For Plaintiff to challenge HECO’s abuse and weaponization of Rule 11, which interfered with his legal counsel leaving him stripped of representation, Mr. Goold must act pro se before Honorable Court. Mr. Goold is not competent or sufficiently skilled in legal procedure to manage such a challenge. Honorable Court denial of judicial review prevents Mr. Goold from obtaining competent representation. This disregard for ordinary people is again disturbing, and suggests massive corruption in Hawaii’s judiciary.

Honorable Court disadvantages pro se litigants like Mr. Goold. As pointed out previously, the American Bar Association warned that pro se litigants do not have a fair chance, as “a growing body of research indicates that outcomes for unrepresented litigants are often less favorable than those for represented litigants.”¹

In addition, “Skilled counsel is needed to execute basic advocacy functions: to delineate the issues, investigate and conduct discovery, present factual contentions in an orderly manner, cross-examine witnesses, make objections and preserve a record for appeal. . . . Pro se litigants cannot adequately perform any of these tasks.”²

Honorable Court DENIES Mr. Goold access to justice.

III. Summary of Error

1. Honorable Court erred **granting** Plaintiff’s July 6, 2023 request. Mr. Goold’s motion was no longer timely or relevant. Plaintiff requested relief due to excessive and unreasonable burden on a pro se litigant in light of the pending hearing before the court. As Honorable Court did not issue a decision at the time, all parties moved forward. Subsequent pleadings and pending motions replaced the intent of Plaintiff’s July 6, 2023 request.

2. Honorable Court erred **denying** Mr. Goold’s numerous requests to investigate sua sponte Defendant HECO’s behavior related to their Rule 11 motion for sanctions. Plaintiff indisputably proved by clear and convincing standards, unquestionably by a preponderance of the evidence, and highly likely beyond a reasonable doubt that Defendants (1) interfered between Mr. Goold and his legal team, and (2) incorporated unlawful evidence and documentation in their motion. Summarized as:

“Plaintiff also requests that this Court sanction Defendants for ... (2) abusive behavior weaponizing Rule 11 Sanctions Motion, and open a sua sponte review of Defendants’ action relative to Sanctions Motion, which interfered with Mr. Goold and counsel, delayed proceedings and increased costs of litigation.” [Dkt No 158, Appendix A, Section V, p35]

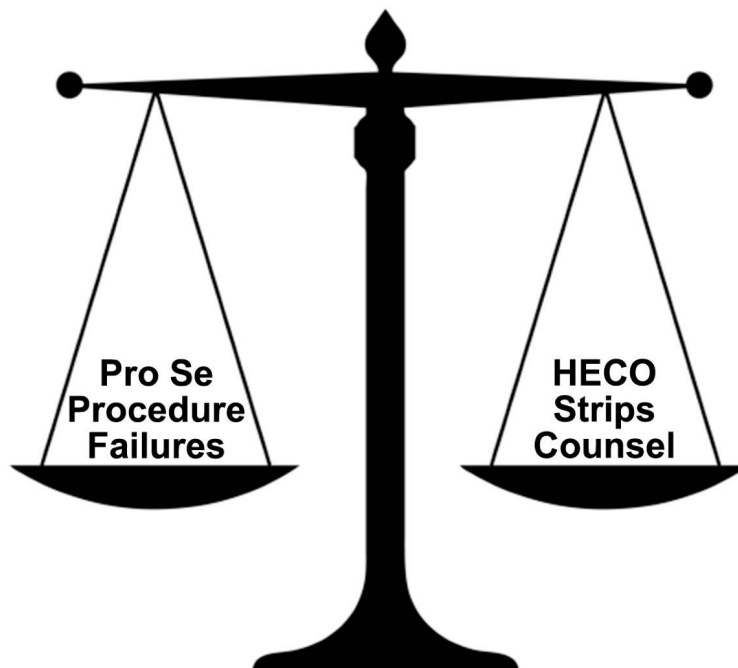
¹ “ABA Toolkit for a Right to Counsel in Civil Proceedings, American Bar Association Model Access Act & Basic Principles for a Right to Counsel in Civil Proceedings 2010,” Approved by ABA House of Delegates, August 2010, p5.

² *Id.*, p3.

3. Honorable Court erred **failing** to provide a timely decision after Plaintiff’s July 6, 2023 request for dismissal. Lack of judicial guidance confused parties, delayed proceedings and increased costs of litigation. Honorable Court’s failure and subsequent action by parties rendered Plaintiff’s motion moot.

4. Honorable Court erred **failing** to follow their own judicial guidelines relative to pro se litigants: (1) pleadings prepared by pro se litigants should be interpreted liberally, (2) courts are required to construe pro se filings in a reasonable manner that promotes access to justice, and (3) Hawai’i’s appellate courts have “consistently adhered to the policy of affording litigants the opportunity to have their cases heard on the merits, where possible.”

Defendants have argued that Honorable Court has given Mr. Goold ample and reasonable opportunities. Their position is biased. Plaintiff has shown that Defendants violated Mr. Goold’s employment rights; denied 9th Circuit’s protocols for interactive negotiation to accommodate a disabled employee; obstructed Mr. Goold’s grievance before the Hawai’i Civil Rights Commission; misled the court; and interfered with Mr. Goold’s ability to obtain competent counsel before the court and this tribunal. The scales of justice must tip in Mr. Goold’s favor.



5. Honorable Court therefore erred **not granting** Mr. Goold's request in response to Defendants' motion on September 20, 2023:

PONO OPTION: This Honorable Court has not heard Plaintiff's appeal, and self-represented Mr. Goold has been denied "access to justice" being forced to appear without competent counsel. Whattoff has proven — and Mr. Goold admits — that Plaintiff is not competent without representation. This Honorable Court can correct many failures by resolving the Sanctions Motion, which would allow Mr. Goold to obtain counsel. [Dkt No 194, p15]

6. Hawai'i is ranked *Most Corrupt* in the nation. In a recent study conducted by the Institute for Corruption Studies at Illinois State University, Honolulu, Hawai'i, of the Aloha State, once again claimed the rather dubious title of most corrupt city in the United States. The comprehensive report examined years 1976 to 2024. Honolulu, with a high Asian population (70%), surpassed major cities, such as Washington, D.C., Los Angeles, New York and Chicago on this regrettable list.³ In Mr. Goold's opinion, Asian Americans represent the Best & Brightest in our nation. The Honolulu culture and behavior stains their excellent reputation.

Mr. Goold has proved beyond a reasonable doubt that the court failed to alert Plaintiff of a delinquency in process of service and extend the standard 30-days to fix the delinquency. Honorable Court is aware of the court's failure. Ignoring this injustice to Mr. Goold reeks of corruption.

Honorable Court erred **not allowing** Mr. Goold to return to the court and access justice in this matter.

Local corruption is sometimes excused by the location of Hawai'i in the middle of the Pacific, history of monarchical rule and practice of exploiting labor in the islands. The destruction of historic Lahaina town, incineration of at least 100 human beings including keiki, and displacement of some 10,000+ members of our 'Ohana demand change. Corruption killed.

Honorable Court and state-wide judiciary, government officials and agencies, executive management at Hawaiian Electric perpetuate this culture of corruption and cheating. This local

³ <https://irishmegaphone.com/716/hawaii-has-been-named-the-most-corrupt-state-in-america/>

system of elite privilege cost people and their families their lives, homes and livelihood. Their situation remains horrific. Change must occur in the Aloha state.

7. Mr. Goold **offers** Honorable Court a fresh start. Mr. Goold is not powerful. He's not wealthy or connected to important local families. Mr. Goold is simply an ordinary family man — representative of over a million human beings in a similar situation in our island home.

Mr. Goold recently wrote a letter to Berkeley Law School pleading for help, attached as “**Appendix A**”. Honorable Hiraoka graduated from this prestigious institution of learning:

Berkeley Law is one of the nation's premier law schools, located at one of the world's great universities, in one of the most vibrant places on the planet. Berkeley Law is one of 14 schools and colleges at the University of California, Berkeley. It is consistently ranked as one of the top law schools in the nation.

The law school has produced leaders in law, government, and society, including Chief Justice of the United States Earl Warren, Secretary of State of the United States Dean Rusk, American civil rights activist Pauli Murray, California Supreme Court Justice Cruz Reynoso, president and founder of the Equal Justice Society Eva Paterson, United States Northern District of California Judge Thelton Henderson, and Attorney General of the United States Edwin Meese.⁴

Mr. Goold reported that “Unfortunately, Judge Hiraoka has reduced your fine institution, ICA and state of Hawai'i to a third-rate banana republic. See for yourself in my enclosed packet. Thank you for your time and commitment to the values that Make America Great !!!”

Mr. Goold does not believe this incident accurately characterized Honorable Hiraoka. When people described Mr. Hiraoka in his confirmation hearings, they used words like “caring,” “honest,” “fair-minded,” “outstanding,” “intelligent,” “astute” and “excellent demeanor.”⁵

What happened? Relative to Mr. Goold's appeal, none of these descriptors come to mind. Why do good people turn sour once they get behind government or industry walls? Honorable Hiraoka obviously cares about people, the law and pursuing justice for all.

⁴ <https://www.law.berkeley.edu/about-us/>

⁵ <https://www.civilbeat.org/2018/10/chad-blair-pal-of-ige-or-not-keith-hiraoka-is-a-good-choice-for-appeals-court/>

Hawaii’s culture is described as “go along to get along.” Takes enormous courage to stand against the crowd, especially if the group contains life-long friends, associates and family members. Martin Luther King, Jr possibly said it best:

QUOTE OF THE DAY
“The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy.”
Martin Luther King, Jr.

Honorable Court, Honorable Presiding Judge Hiraoka and Associate Judges face times of challenge and controversy. Mr. Goold offers an opportunity to right this wrong and injustice.

As Dr. King also said, “The time is always right to do what is right.”

IV. Prayer for Relief

As the time is right now to do what is right, Plaintiff therefor requests that upon reconsideration Honorable Court **vacate** the Dismissal Order and reinstate Plaintiff’s appeal.

Second, that this Honorable Court **permit** Appellant’s opening brief, included in entirety [Dkt No 158, AppA], be amended and re-submitted fourteen (14) days after Honorable Court’s favorable ruling.

Third, Plaintiff again requests Honorable Court to **sanction** Defendants for abusive behavior weaponizing Rule 11 Sanctions Motion by initiating sua sponte review of Defendants’ action relative to Sanctions Motion, which interfered with Mr. Goold and counsel, delayed proceedings and increased costs of litigation.

DATED: Honolulu, Hawai’i, January 18, 2024.

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CIRCUIT COURT IN THE FIRST CIRCUIT,
STATE OF HAWAI'I

HONORABLE DEAN E. OCHIAI
Judge

DECLARATION OF JEFFREY SCOTT GOOLD

I, JEFFREY SCOTT GOOLD declare and say that:

1. I am a resident of the State of Hawai'i and Plaintiff-Appellant in this matter. All of the information stated herein is information based on my personal knowledge that I learned in

my capacity as plaintiff pro se. If called as a witness I could and would testify to the truth of the matters stated herein except as to those matter stated to be true on information and belief, and as to those matters I believe them to be true.

2. Attached hereto as **Appendix A** is a true and correct copy of an email from Scott Goold to various members of Berkeley School of Law, dated January 16, 2024, including “BerkeleyLaw_1.16.24.pdf” attachment.

I do declare under penalty of law that the foregoing is true and correct.

Executed this 18th day of January 2024, at Honolulu, Hawai’i.

/s/ Scott Goold

JEFFREY SCOTT GOOLD

From: Scott Goold

Subject: Berkeley Law School Grad Keith K. Hiraoka CORRUPT in Hawai'i

Date: January 16, 2024 at 2:32 PM

To: admissions@law.berkeley.edu, jsp@berkeley.edu, Green, Josh B josh.green@Hawaii.gov, Lakin, Jeremy jeremy.lakin@hawaii.gov
Cc: llm@law.berkeley.edu, alumni@law.berkeley.edu, Gifts4Law@law.berkeley.edu, consumer@law.berkeley.edu, bclb@law.berkeley.edu, bclt@law.berkeley.edu, career@law.berkeley.edu, clee@law.berkeley.edu, reprojustice@law.berkeley.edu, csls@law.berkeley.edu, clinicalprogram@law.berkeley.edu, communications@law.berkeley.edu, info@ebclc.org, financial-aid@law.berkeley.edu, ist@law.berkeley.edu, mgcl@law.berkeley.edu, ashapiro@law.berkeley.edu, registrar@law.berkeley.edu, robbins@law.berkeley.edu, visitingscholars@law.berkeley.edu, Scott Goold scott@infoimagination.org, Cary Colaianni colaman1@msn.com, eric krening kreninglaw@gmail.com, eric seitz eseitzatty@yahoo.com, Megan Kau mk@megkaulaw.com, Joseph T. Rosenbaum jtr@firlawhi.com, Randall C. Whattoff rwhattoff@cfhawaii.com, Robert K. Fricke rfricke@cfhawaii.com, Joachim P. Cox jcox@cfhawaii.com

Cc: Hawai'i Governor Josh Green

Aloha Berkley Law ~

I am begging for your help. My concerns no longer focus solely on my personal situation. Hawai'i was just rated the MOST CORRUPT state in the nation. Didn't surprise anyone here or those who know about the aloha state. Corruption has dominated our tiny islands from the time of kings. Much like Puerto Rico, being far removed from mainland, lacking business and government competition, facing obstacles related to island living contribute to our history of social and political failure.

August 8, 2023 changed our world. Hawaiian Electric Company (HECO) managerial incompetence combined with government corruption destroyed the historic town of Lahaina, incinerated at least 100 human beings including children, and left some 10,000+ members of our 'Ohana destitute, destabilized and devastated. The disaster was 100% preventable. Our culture of corruption incinerated people: one man was found dead in the ashes clutching his family dog; another parent found trying unsuccessfully to shelter a child. The tragic stories are too horrific to even recall. Hundreds of people fleeing to the sea to escape dwaves of flames.

All was preventable. California suffered a similar disaster in 2018 with the Camp fire. Had PG&E simply turned off the power; no fire! Electric utilities learned ... but not in Hawai'i. In 2019, a California group led a hostile takeover of Hawaiian Electric board. One request: get outside leadership! HECO is in-breeding. They don't want outsiders or locals to know of their massive incompetence and corruption. These practices must now end!

BACKGROUND

HECO fired me in 2019. Was a top-rated employee, MVP of our small IT workgroup. They offered me a permanent position. I'm older, disabled and suffered injuries at time. Thankful for the opportunity, I ethically and honestly informed HR of my alternative to opioid pain medication. HR told me I would be fine. HECO fired me two weeks later due to my medication. I have been seeking redemption and justice since.

I can prove now that HECO wrongfully dismissed me; that their legal team failed to follow 9th Circuit protocols for disability accommodation; that the Hawai'i Civil Rights Commission violated my civil rights; that the lower court, Circuit Court, failed to follow their civil procedures and requirements, and that the Intermediate Court of Appeals cheated me ... under the direction of presiding judge, Keith K. Hiraoka, Berkeley Law School graduate. I'm just one case of many similar stories of corruption.

In Hawai'i, officials do not follow the law; they do not respect the law. And respect for the law is what Makes America Great! We see the devastation Don Trump inflicts on America due to his corruption. Hawai'i is full of Donald Trumps. When Governor Ige appointed Mr. Hiraoka, he said, "Keith was the most qualified applicant and the right fit for this position." There is is ... "right fit."

If White folks in the Deep South could use "right fit," no Black people would be employed professionally. Men following the "right fit" standard would not select many women. We do not allow "right fit." We demand a focus on merit. "Right fit" is code for corruption. In Hawai'i, the cultural expectation is "go along if you want to get along." This standard is un-American. US Founder James Madison, Federalist 51, noted that "men are not angels" and "ambition must check ambition." We seek cooperation and compromise, but must compete over ideas and opinions. Diversity is what Makes America Great. Your fine institution understands this goal.

Some people will tell you I am racist. Probably accurate. I consider Asian Americans to be the BEST & Brightest in America. Yes, I understand that grouping people by race and making broad generalizations is racist. However, as a former teacher, PhD in political science, this is my observation of the country and culture. Asian Americans represent the best of our values: strong families, disciplined, focus on education and hard work, commitment to kindness, compassion and honesty. I have observed these qualities over a lifetime in Asian Americans.

APPENDIX A

compassion and honesty. I have observed these qualities over a lifetime in Asian Americans.

When people described Mr. Hiraoka in his confirmation hearings, they used words like “caring,” “honest,” “fair-minded,” “outstanding,” “intelligent,” “astute” and “excellent demeanor.” The judge recently ruled in my appeal. None of these descriptors come to mind.

He cheated! He exhibited no caring. He was not honest, fair-minded, astute, intelligent or outstanding. His professional demeanor was not excellent. He behaved as a common man who cheats for his friends and professional colleagues. Mr. Hiraoka did not respect the law; he diminished respect for the ICA and Berkeley Law School.

Who cares about me? Why should anyone? Remember Maui however... #LahainaStrong. We can never forget. This culture of corruption must end now. Hawai'i cannot remain the MOST CORRUPT state in the nation.

LEGAL ISSUES

1. On January 8, 2024, preceding Judge Hiraoka wrote: Upon consideration of self-represented Plaintiff-Appellant Jeffrey Scott Goold's July 6, 2023 Request for Dismissal, the papers in support, and the record, IT IS HEREBY ORDERED that the motion is granted. The appeal is dismissed under Hawai'i Rules of Appellate Procedure Rule 42(b). (Document #198)

Mr. Goold did not REQUEST dismissal. Mr. Goold and Defendant-Appellee HECO superseded the remarks of July 6, 2023 (Document #172). Over 20 some pleading and motions followed. Judge Hiraoka added: IT IS FURTHER ORDERED that all pending motions are dismissed as moot.

This illustrates the corruption. Judge Hiraoka simply pretended these proceedings did not occur. Easy way to get rid of Mr. Goold. Mr. Goold, a pro se litigant, had legally confounded HECO, their legal team, the circuit court and the ICA. None could answer Mr. Goold's legitimate legal arguments. Judge Hiraoka manufactured an excuse.

2. Mr. Goold explained the legal conundrum obstructing justice in his July 2023 motion: Plaintiff again pleaded with this Honorable Court to evaluate sanctioning Defendants for abusive behavior weaponizing Rule 11 Sanctions Motion by initiating sua sponte review of Defendants' action relative to the motion, which interfered with Mr. Goold and counsel, delayed proceedings and increased costs of litigation.

Attorney for HECO, Randall C. Whattoff, partner at Cox Fricke LLP, served Mr. Goold's legal team with a Rule 11 motion in April 2021. Mr. Goold has proved to the ICA and lower court that Whattoff used the threat of sanctions to drive away his counsel. Easy to do in Hawai'i ... “go along if you want to get along,” especially if the party is a \$3 BILLION corporation. Mr. Goold proved that Whattoff included unlawful documentation and evidence in the Rule 11. Both the ICA and lower court refused to investigate their friends.

Mr. Goold further explained in July: Mr. Goold previously pointed out the lack of legal logic in this Catch 22 paradox. [Dkt No. 106, p2-3] For Plaintiff to challenge HECO's abuse and weaponization of Rule 11, which interfered with his legal counsel leaving him stripped of representation, Mr. Goold must act pro se before this Honorable Court. Mr. Goold is not competent or sufficiently skilled in legal procedure to manage such a challenge.

3. As Mr. Goold is self-represented, the guiding legal standard for this action was expressed by the ICA: Waltrip v. TS Enterprises, Inc., 140 Hawai i 226, 239, 398 P.3d 815, 828 (2016) (requiring courts to construe pro se filings in a reasonable manner that promotes access to justice), and Hawai i's appellate courts have “consistently adhered to the policy of affording litigants the opportunity to have their cases heard on the merits, where possible,” Schefke v. Reliable Collection Agency, Ltd., 96 Hawai i 408, 420, 32 P.3d 52, 64 (2001) (citation and quotation marks omitted). [Dkt No. 170, p4]

Under the guidance of Berkeley Law School graduate, Keith K. Hiraoka, the ICA has denied Mr. Goold access to justice.

Simply put, judges in Hawai'i are appointed by political officials (rather than be elected by the people). They BEND the law to favor friends, family members, political cronies and officials. The law is not respected. And this collective corruption not only destroyed Mr. Goold's esteemed professional career, but incinerated at least 100 human beings including keiki.

CONCLUSION

I have included Judge Hiraoka's order of January 8, 2024, as well as Mr. Goold's pleading of September 20, 2023. The ICA refused to respond for some 100 days ... then Judge Hiraoka joined the panel and dismissed Mr. Goold's appeal using manufactured legal justification. This history documents the corruption in Hawai'i and our judicial system. Judge Hiraoka has tarnished the fine reputation of Berkeley Law.

Hiraoka has tarnished the fine reputation of Berkeley Law:

Berkeley Law is one of the nation's premier law schools, located at one of the world's great universities, in one of the most vibrant places on the planet. Berkeley Law is one of 14 schools and colleges at the University of California, Berkeley. It is consistently ranked as one of the top law schools in the nation. The law school has produced leaders in law, government, and society, including Chief Justice of the United States Earl Warren, Secretary of State of the United States Dean Rusk, American civil rights activist Pauli Murray, California Supreme Court Justice Cruz Reynoso, president and founder of the Equal Justice Society Eva Paterson, United States Northern District of California Judge Thelton Henderson, and Attorney General of the United States Edwin Meese. [website]

Unfortunately, Judge Hiraoka has reduced your fine institution, ICA and state of Hawai'i to a third-rate banana republic. See for yourself in my enclosed packet. Thank you for your time and commitment to the values that Make America Great !!!

Combined January 8, 2024 Order & September 20, 2023 Pleading by Mr. Goid

BerkeleyLaw_1.16.24.pdf



"Be kind whenever possible. It is always possible." Dalai Lama

<https://www.HECOgate.com>

**Electronically Filed
Intermediate Court of Appeals
CAAP-22-0000406
08-JAN-2024
08:10 AM
Dkt. 198 OGMD**

NO. CAAP-22-0000406

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

JEFFREY SCOTT GOOLD, Plaintiff-Appellant, v.
HAWAIIAN ELECTRIC COMPANY, INC.; HAWAIIAN ELECTRIC INDUSTRIES,
INC.; ELIZABETH DEER; SHANA M. BUCO, Defendants-Appellees, and
JOHN DOES 1-10; JANE DOES 1-10; DOE CORPORATIONS 1-10;
DOE PARTNERSHIPS 1-10; DOE ENTITIES 1-10; and
DOE GOVERNMENTAL ENTITIES 1-10, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1CCV-21-0000216)

ORDER GRANTING MOTION TO DISMISS APPEAL

(By: Hiraoka, Presiding Judge, Wadsworth and Guidry, JJ.)

Upon consideration of self-represented Plaintiff-Appellant Jeffrey Scott Goold's July 6, 2023 Request for Dismissal, the papers in support, and the record, IT IS HEREBY ORDERED that the motion is granted. The appeal is dismissed under Hawai'i Rules of Appellate Procedure Rule 42(b).

IT IS FURTHER ORDERED that all pending motions are dismissed as moot.

DATED: Honolulu, Hawai'i, January 8, 2024.

/s/ Keith K. Hiraoka
Presiding Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge

APPENDIX A.1

**Electronically Filed
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CAAP-22-0000406
20-SEP-2023
10:38 AM
Dkt. 194 MEO**

CAAP 22-0000406

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

JEFFREY SCOTT GOOLD,

Plaintiff-Appellant,

vs.

HAWAIIAN ELECTRIC COMPANY, INC.;
HAWAIIAN ELECTRIC INDUSTRIES,
INC.; ELIZABETH DEAR; SHANA M.
BUCO,

Defendants-Appellees

and

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

Defendants.

CIVIL NO. 1CCV-21-000216

APPEAL FROM:

FINAL JUDGMENT, filed Dec. 23, 2022

CIRCUIT COURT OF THE FIRST CIRCUIT,
STATE OF HAWAII

HONORABLE DEAN E. OCHIAI
Judge

APPENDIX A.2

**PLAINTIFF-APPELLANT OPPOSITION TO SPECIALLY APPEARING DEFENDANT-
APPELLEE HAWAIIAN ELECTRIC COMPANY, INC.'S MOTION TO STRIKE
"PLAINTIFF-APPELLANT JOINDER AS HAWAIIAN ELECTRIC COMPANY
THREATENS PLAINTIFF-APPELLANT JEFFREY SCOTT GOOLD," FILED
SEPTEMBER 5, 2023 AT DKT. NO. 186, AND TO DISMISS THE APPEAL WITH
PREJUDICE**

MEMORANDUM IN SUPPORT OF MOTION

DECLARATION OF JEFFREY SCOTT GOOLD

APPENDIX A: GOOLD & HECO CORRESPONDENCE, 8.24.23 - 8.26.23

APPENDIX B: HAWAIIAN ELECTRIC CHANGE IN MANAGEMENT

APPENDIX C: HEARING TRANSCRIPT EXCERPTS JULY 12, 2023

APPENDIX D: HEARING TRANSCRIPT EXCERPTS MAY 7, 2021

APPENDIX E: GOOLD & HECO CORRESPONDENCE, PROCEDURAL QUESTION

CERTIFICATE OF SERVICE

JEFFREY SCOTT GOOLD

CAAP 22-0000406

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

JEFFREY SCOTT GOOLD,

Plaintiff-Appellant,

vs.

HAWAIIAN ELECTRIC COMPANY, INC.;
HAWAIIAN ELECTRIC INDUSTRIES,
INC.; ELIZABETH DEAR; SHANA M.
BUCO,

Defendants-Appellees

and

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

Defendants.

CIVIL NO. 1CCV-21-000216

APPEAL FROM:

FINAL JUDGMENT, filed Dec. 23, 2022

CIRCUIT COURT OF THE FIRST CIRCUIT,
STATE OF HAWAI'I

HONORABLE DEAN E. OCHIAI
Judge

**PLAINTIFF-APPELLANT OPPOSITION TO SPECIALLY APPEARING DEFENDANT-
APPELLEE HAWAIIAN ELECTRIC COMPANY, INC.'S MOTION TO STRIKE
"PLAINTIFF-APPELLANT JOINDER AS HAWAIIAN ELECTRIC COMPANY
THREATENS PLAINTIFF-APPELLANT JEFFREY SCOTT GOOLD," FILED
SEPTEMBER 5, 2023 AT DKT. NO. 186, AND TO DISMISS THE APPEAL WITH
PREJUDICE**

Self-represented Plaintiff-Appellant pro se (“Plaintiff” or “Mr. Goold”) hereby responds to Defendant-Appellant Hawaiian Electric Company Inc.’s (“Defendant HECO”) Motion to Strike “Plaintiff-Appellant Joinder as Hawaiian Electric Company Threatens Plaintiff-Appellant Jeffrey Scott Goold,” filed September 5, 2023 at Dkt. No. 186, and to dismiss the appeal with prejudice” (“Strike Motion”).

Defendant HECO filed their Strike Motion on September 13, 2023. Pursuant to Hawai’i Rules of Appellate Procedure (“HRAP”) Rule 27(a), Plaintiff’s response is timely.

Defendant HECO, through attorney Randall C. Whattoff (“Whattoff”), partner at Cox Fricke LLP, filed Strike Motion claiming this Honorable Court has given Plaintiff “numerous opportunities to reinstate his appeal, and he has flouted the Court’s leniency at every turn. At this point, the appeal must be dismissed with prejudice.”

Defendant HECO recognizes pro se litigants like Mr. Goold are “afforded some leniency.” Whattoff however claims that “we are now well past that point,” and argues that “pro se litigants must still comply with the relevant rules of procedure and substantive law. . . . ‘Although we construe pleadings liberally in their favor, pro se litigants are bound by the rules of procedure.’” *Erum v. Llego*, 147 Hawai’i 368, 403, 465 P.3d 815, 850 (2020) (Nakayama, J., and Recktenwald, C.J., dissenting). [Dkt No. 191, p2]

On this topic, Mr. Goold agrees in principle with Whattoff: Pro se litigants must reasonably comply with relevant rules of procedure and substantive law. Likewise, Whattoff and Defendant HECO (collectively “Defendants”) must comply with relevant rules of procedure and substantive law. Defendants served Mr. Goold with a fraudulent and unlawful Rule 11 motion for sanctions (“Sanctions Motion”) on April 6, 2021. The attorneys notified Mr. Goold of their intent to withdraw the next day.

Defendants have not denied — and cannot deny — that their Sanctions Motion is unlawful; that they interfered between Mr. Goold and his legal team; and that their Sanctions Motion is fraudulent. Defendants have not complied with relevant rules and law.

Mr Goold admits to mistakes as a pro se litigant. None of these missteps and confusion would have occurred had Defendants not interfered between Mr. Goold and his legal team — or

potential legal representatives. Defendants’ behavior is “highly improper, and it should not be countenanced by the Court.”

Defendants have also made errors. This Honorable Court was forced to (temp) remand this appeal to circuit court December 12, 2022, as Defendants had not properly “entered a final, appealable order or judgment.” [Dkt No. 67, p2] Circuit court judge assigned Whattoff to prepare the “appropriate order” at hearing, April 25, 2022. [ROA, Dkt No. 119, Ex87, p27, lines 21-22]

The error delayed proceedings hundreds of days and likely cost the system \$10,000s in costs and wasted time. Further, filings by Defendants September 13, 2023, do not appear in compliance with HRAP Rule 32. [Dkt Nos. 190, 191, 192]

Defendants’ Dkt No: 191

Defendants’ Dkt No. 192

<p>CAAP 22-0000406 MEDIATE COURT OF APPEALS THE STATE OF HAWAII CIVIL NO. ICCV-21-0000216 APPEAL FROM THE</p> <p style="color: red; text-align: center;"> Electronically Filed Intermediate Court of Appeals CAAP-22-0000406 13-SEP-2023 03:06 PM Dkt 191 MES </p>	<p>CAAP 22-0000406 MEDIATE COURT OF APPEALS THE STATE OF HAWAII CIVIL NO. ICCV-21-0000216 APPEAL FROM THE</p> <p style="color: red; text-align: center;"> Electronically Filed Intermediate Court of Appeals CAAP-22-0000406 13-SEP-2023 03:06 PM Dkt 192 MES </p>
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Mr. Goold apologizes to this Honorable Court for the lack of competence. For this reason, Plaintiff begged both this Honorable Court and lower court for relief from the fraudulent and unlawful Rule 11 Sanctions Motion, which would allow Plaintiff to obtain counsel. Mr. Goold however does not believe Defendants have acted in good faith, competently or ethically. This most recent Strike Motion should therefore be denied.

DATED: Honolulu, Hawai’i, September 20, 2023.

JEFFREY SCOTT GOOLD

CAAP 22-0000406

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

JEFFREY SCOTT GOOLD,

Plaintiff-Appellant,

vs.

HAWAIIAN ELECTRIC COMPANY, INC.;
HAWAIIAN ELECTRIC INDUSTRIES,
INC.; ELIZABETH DEAR; SHANA M.
BUCO,

Defendants-Appellees

and

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

Defendants.

CIVIL NO. 1CCV-21-000216

APPEAL FROM:

FINAL JUDGMENT, filed Dec. 23, 2022

CIRCUIT COURT OF THE FIRST CIRCUIT,
STATE OF HAWAI'I

HONORABLE DEAN E. OCHIAI
Judge

MEMORANDUM IN OPPOSITION TO MOTION

I. CONFUSION OVER PROCEDURE

A. Confusion reigns in this appeal due to Mr. Goold's lack of legal skill and professional incompetence of Whattoff and Defendant HECO. Defendants claim the pro se

Plaintiff's latest pleading was "mistitled a 'Joinder as Hawaiian Electric Company Threatens Plaintiff-Appellant Jeffrey Scott Goold' ('Joinder')." [Dkt No. 191 at I, p1]

On July 11, 2023, Whattoff submitted a miscellaneous court document as a "substantive joinder" that was abbreviated JN by the JEFS system. [Dkt No. 176] Mr. Goold had filed a motion to dismiss July 6, 2023. [Dkt No. 172]

Inexperienced Plaintiff was confused. Mr. Goold had not heard of joinder. Expected opposition in response pursuant to HRAP Rule 27(a); joinder is not addressed. Defendants however did not oppose the dismissal. They agreed with Plaintiff. Mr. Goold researched joinder.

Federal Rule of Civil Procedure 18 allows a "party asserting a claim, counterclaim, crossclaim, or third-party claim" to "join, as independent or alternative claims, as many claims as it has against an opposing party." ¹

Federal Rule of Criminal Procedure 8 provides for the *joinder of offenses* when they "are of the same or similar character, or are based on the same act or transaction, or are connected with or constitute parts of a common scheme or plan." ²

Hawai'i Rules of Civil Procedure ("HRCP") addresses *permissive joinder*: "All persons may join in one action as plaintiffs if they assert any right to relief ..."

In criminal procedure, the *compulsory joinder* rule requires a prosecutor, in a single action, to bring all known charges against a defendant.³

Plaintiff found *substantive joinder* means a joinder based on a memorandum supplementing the motion . . . joined in." ⁴

From the research, Plaintiff concluded that the purpose of joinder is to "promote judicial economy by avoiding repetitive litigation." ⁵

¹ <https://www.law.cornell.edu/wex/joinder>

² Ibid.

³ https://www.law.cornell.edu/wex/compulsory_joinder

⁴ <https://www.lawinsider.com/dictionary/substantive-joinder>

⁵ https://www.law.cornell.edu/wex/compulsory_joinder

Rather than file multiple motions, the litigant can join an existing pleading or action. Mr. Goold is a SQL programmer. He regularly joins data or tables of data in sophisticated, complex and creative ways. Appeared reasonable to join the most recent pleading.

Mr. Goold therefore filed a joinder July 28, 2023, to *supplement* Plaintiff's July 6, 2023 motion. [Dkt No. 172] Defendants did not object. This Honorable Court was silent. If Mr. Goold's action was inappropriate or document mistitled, Mr. Goold was not notified. Without feedback, inexperienced Mr. Goold was not aware of error or mistake, if any.

As stated, Mr. Goold filed a second joinder to *supplement* the motion after Defendants threatened him again. [Dkt No. 186]

B. A second confusion exists, as expressed by Whattoff. Defendants claim the "Joinder not only flies in the face of the Court's five previous extensions and violates the Court's most recent Order, ICA Dkt. No. 170, but it also squarely contradicts Plaintiff's own Request for Dismissal, *which is currently pending before the Court*, ICA Dkt. No. 172." (Emphasis in original.) [Dkt No. 191 at I, p1-2]

Is this statement correct? Is Dkt No. 172, Plaintiff's motion for dismissal of July 6, 2023, still pending? If pending, is Mr. Goold considered late in filing an opening brief? Mr. Goold remains uncertain about this Honorable Court's expectations and allowances. Mr. Goold therefore made specific requests on July 28, 2023, to provide a "final Opening Brief by August 18, 2023," [Dkt No. 182, p8], and on September 5, 2023, to provide an Opening Brief by FOURTEEN DAYS after ICA issues order." [Dkt No. 186, p12]

Pursuant to HRAP Rule 2, this Honorable Court may suspend "the requirements or provisions of any of these rules in a particular case on application of a party or on its own motion and may order proceedings in accordance with its direction." HRAP Rule 40(d) requires the appellate court to respond to a motion to reconsider within 10 days, and failure to act within the time period constitutes a rejection. Mr. Goold found no similar precedent for motion to dismiss.

Is therefore Plaintiff's Joinder mistitled? Should Plaintiff have filed a second instant motion while the first motion remains pending? Should Plaintiff submit an opening brief, although the filing would be late? Self-represented Mr. Goold, Plaintiff pro se, does not know the

answers to these questions. Mr. Goold has waited patiently for instruction from this Honorable Court. The self-represented plaintiff is in need of legal guidance.

Plaintiff reminds this Honorable Court that the Hawai'i Civil Rights Commission ("HCRC") promised Mr. Goold they would investigate his complaint of discrimination and wrongful termination. Mr. Goold waited some 3.5 YEARS ... HCRC never fulfilled their promise to him.

C. Ultimately, the confusion is ridiculous. There would be none if Mr. Goold was legally represented. And, Mr. Goold is without counsel due to the fraudulent and unlawful Specter of Sanctions Motion looming over Plaintiff's action and appeal. Stubbornly, this Honorable Court has refused Mr. Goold's numerous requests to review the Sanctions Motion and resolve this matter. Can't blame Mr. Goold. He admits lack of competence.

From Mr. Goold's perspective, Defendants created the confusion, which has turned proceedings before both lower and this Honorable Court into a circus. Defendants have cheated Mr. Goold; they have disparaged Mr. Goold; they have acted in bad faith. This Honorable Court permits the clown show to continue, which diminishes the prestige of the Hawai'i judiciary.

II. Threats by Defendant HECO

Mr. Goold hereby notifies this Honorable Court, Chief Judge Lisa M. Ginoza and associate judges, that Defendant HECO, through attorney Whattoff, on about August 24, 2023, **threatened** Mr. Goold (again), attached as "**Appendix A**". Mr. Goold seeks relief and protection.

HECO first threatened Mr. Goold on April 6, 2021, when Whattoff served Mr. Goold's legal team a Rule 11 Sanctions Motion claiming harassment:⁶

"Defendants HAWAIIAN ELECTRIC COMPANY, INC., HAWAIIAN ELECTRIC INDUSTRIES, INC., and SHANA M. BUCO (collectively "Defendants"), by and through their attorneys, Cox Fricke LLP, respectfully move this Honorable Court for sanctions against Plaintiff Jeffrey Scott Goold and his attorneys. Mr. Goold has violated Rule 11(b) of the Hawai'i Rules of Civil Procedure by commencing a lawsuit that is

⁶ Parties agree *Isobe v. Sakatani*, 127 Hawai'i 368, 378, 279 P.3d 33, 43 (Ct. App. 2012), "[B]ecause Hawai'i Rules of Civil Procedure (HRCP) Rule 11 is patterned after and substantially similar to Federal Rules of Civil Procedure (FR Civ P) Rule 11, we are guided by authorities addressing and interpreting FR Civ P Rule 11."

based on false statements and that is presented for the improper purpose of harassment.” [Dkt No. 81, Appendix G, p2]

Accusations are meritless. Mr. Goold demanded HECO file the charges. Defendants refused. Threatened but hid under a rock like cockroaches. Similar to evil Harvey Weinstein in Hollywood, Hawaiian Electric supporters have blacklisted Mr. Goold on O’ahu in their attempt to silence criticism. Mr. Goold has warned local residents of Hawaiian Electric management incompetence, as documented by what Whattoff claimed the “most egregious” of Mr. Goold’s charges:

“Perhaps most egregiously, Mr. Goold has filed spurious complaints with the Office of Disciplinary Counsel against Connie Lau (the President and CEO of Hawaiian Electric Industries, Inc. (“HEI”)), Susan Li (the former Senior Vice President, General Counsel, Chief Compliance and Administrative Officer, and Corporate Secretary of Hawaiian Electric), and Thao Tran (Senior Associate General Counsel, Legal Department, Hawaiian Electric).”
[*Id.*, Memorandum, p1-2]

Ua mau ke ea o ka aina i ka pono: “The life of the land is perpetuated in righteousness.” And Hawaiian Electric management has destroyed the land and its people failing to be righteous.

A. History of Bad Management

Mr. Goold filed complaints in August 2019 about Hawaiian Electric senior management claiming HEI CEO & President Connie Lau, and HECO attorneys Susan Li and Thao Tran were incompetent. Mr. Goold initiated an email and internet campaign to alert stockholders, ratepayers and regulators about “bad” management.

In November 2019, Jeffrey Ubben, ValueAct Capital, echoed concerns of Mr. Goold by notifying Hawaiian Electric shareholders of “bad” management. Ubben’s group executed a hostile take-over of the board, which forced members to resign, attached as “**Appendix B**”. The group also called for new executives from outside the company:

“This is a very ambitious goal for the company, and we are not confident about management’s ability to execute given their historical track record,” Ubben wrote. He suggested HEI pick someone from outside the company

to succeed HEI's longtime chief executive, Constance Lau, when Lau steps down.⁷

Hawaiian Electric ignored the request. Consequences of this discriminatory practice exceeded the sum of Mr. Goold's fears with the destruction of historic town of Lahaina on Maui, loss of an estimated 200+ residents, including dozens of keiki, who were incinerated or swept out to sea. National Weather Service had warned high winds would down power lines. HECO management abandoned the people to protect their bonuses and profits.

HECO recruited Mr. Goold off-island. He arrived on O'ahu **August 8, 2018**, after leaving his residence on Kaua'i. Mr. Goold paused to give a brief pule of gratitude to Hawaiian god, Pele, for his blessings. HECO's IT system software was ten years outdated. Supervisor Lori Yafuso and team were doing a heroic job battling the crisis. They needed Mr. Goold's skills to update the network fully. Mr. Goold soon learned HECO HR staff were years behind, and HECO attorneys appeared to be relics from the previous century.

HECO's managerial incompetence destroyed Mr. Goold's career, mental and physical health, and left his family facing economic and emotional disaster. Five years later on **August 8, 2023**, HECO's managerial incompetence failed Lahaina and Maui in a disaster Biblical in scope.

Native Hawaiians ("Kanaka Maoli") claim Pele is angry. Mr. Goold believes the date was not a coincidence. He believes Pele connected the two incidents to reinforce Mr. Goold's claim that Hawaiian Electric management is incompetent, corrupt and cruel.

Dates are important in legal action. Few remember the **August 6, 2001** Presidential Daily Brief that the CIA presented to newly-elected GW Bush. The president was vacationing at his Crawford, Texas ranch. Bush ignored the PDB, which was titled, "Bin Ladin Determined to Strike in US." The 9.11 attacks occurred weeks later.

On **August 6, 2023**, twenty-two years later, National Weather Service warned that "damaging winds could blow down trees and power lines."⁸ Privileged Hawaiian Electric management, similar to the young president, did not react responsibly.

⁷ <https://www.civilbeat.org/2019/11/energy-giant-aes-has-a-big-and-growing-footprint-in-hawaii/>

⁸ <https://mauinow.com/2023/08/06/high-wind-watch-to-bring-gusty-winds-as-dora-passes-safely-south-of-hawai%CA%BBi/>

*Hawaiian Electric serves 95 percent of Hawaii's people.
With that great privilege comes great responsibility.⁹*

B. Mr. Goold's Background in Energy

For speaking out, HECO management retaliated against Mr. Goold. Mr. Goold has extensive background in energy. Grandmother was born in Puerto Rico ("PR"), and Mr. Goold pays close attention to this sister island. He warned Hawai'i residents how PREPA, PR's electricity provider, killed thousands. Although about 64 people perished during Hurricane Maria (2017), it was the incompetence of PREPA management and failure of PREPA's electric grid that led to deaths of some 3,000+ residents.¹⁰

Mr. Goold alerted local officials in 2019 how Hurricane Maria obliterated a state-of-art Tesla solar array on Vieques island in PR. HECO is deploying millions of solar panels.

In 2019, Mr. Goold appeared to be the first analyst to compute that Hawaiian Electric's Goal 2045 program will require some 15 MILLION solar panels to provide residential, commercial and industry electricity, and will cover some 5,500+ football fields of rooftop and green spaces for deployment. How will these arrays handle super storm winds and flying debris?

Mr. Goold more recently updated figures to include electric vehicle (EV) charging, which will double needed capacity to the range of 30 MILLION panels and some 10,000+ football area of silicone-covered spaces. Where will HECO locate these fields?

In response to Mr. Goold's calculations, HECO stated that on O'ahu alone, the company plans some 3,000 acres of new solar farms, roughly the size of 29 Aloha Stadiums.¹¹

Mr. Goold appears to be the first analyst to warn about constructing 500' wind turbines, as currently deployed around Kahuku, O'ahu. Protests soon erupted over the Kahuku project,

⁹ <https://hecogate.com/heco-ceo-kimura-wastes-ratepayer-money.php>

¹⁰ https://en.wikipedia.org/wiki/Hurricane_Maria_death_toll_controversy

¹¹ <https://www.civilbeat.org/2019/11/energy-giant-aes-has-a-big-and-growing-footprint-in-hawaii/>

which led to 160 arrests.¹² Will these monster installations survive super storm winds or topple on homes and schools? Lahaina gusts peaked around 80mph — half that of hurricanes.

Mr. Goold criticized HECO CEO Shelee Kimura in September 2022, as the company ended use of coal. Electricity rates soared. Amount consumed by Hawai'i is minimal — would take some 5,100 years to use as much coal as China does in one year; or some 1,700 years to use as much as India does annually. Hawai'i now is 100% dependent on diesel oil for about 80% of energy generation — and the only state in the nation to rely on dirty diesel.

Current oil prices have exploded to over \$90/barrel, while coal prices have come down.¹³ Smart people diversity portfolios. CEO Kimura put all Hawaii's energy pineapples in one basket. Wealthy officials are not concerned. Inflation is crippling middle class and poorer families. Until China and India join world efforts, Hawai'i residents should not be punished financially.

As a PhD candidate, Mr. Goold provided research for the US Department of Energy and Department of Defense related to the Waste Isolation Pilot Project (WIPP) in southeastern New Mexico for the storage of transuranic radioactive waste. Mr. Goold has conducted energy consulting and analysis for numerous stakeholders over his 30-year career.

Prior to accepting the position at HECO, Mr. Goold provided IT support for NASA/JPL engineers who developed solar panels for space missions. Mr. Goold assisted construction of Ingenuity's solar panel — Ingenuity is the helicopter flying on Mars. Space-based panels return about twice the efficiency of standard solar panels deployed on Earth.

Mr. Goold has been clear, concise and consistent. Management at Hawaiian Electric is bad. The world now knows management is worse than bad ... management is dangerous.

Hawaiian Electric has worked to silence Mr. Goold and publicly chill criticism from others. "It's a small island," and management appears to have "rabbit ears" for any hint of criticism.¹⁴

¹² Ibid.

¹³ <https://www.iea.org/reports/coal-market-update-july-2023/prices>

¹⁴ <https://www.foxnews.com/politics/kamala-harris-rabbit-ears-criticism-source-frustration-biden-white-house-book>

C. Hawaiian Electric Incompetence Destroyed and Killed

Although a UH researcher warned in 2014 of high-danger risk from wildfire due to the buildup of non-native grasses around Lahaina, HECO had no plan for fire mitigation ten years later.¹⁵ Mr. Goold's public statements should have been heeded. Similar to Richard Clarke in 2001, Mr. Goold's "hair was on fire," as he warned of impending disaster.

California's PG&E energized power lines ignited disastrous fires between 2016-2018, which led to billions of losses, numerous deaths and multi-billion lawsuits. HECO however did not de-energize power lines around Lahaina.

Six days after the fire, Hawaiian Electric President and CEO Shelee Kimura explained at a Monday news conference why the utility did not shut off the power when the winds picked up.

"In Lahaina, the electricity powers the pumps that provide the water and so that was also a critical need during that time," Kimura said.

Kimura was 100% dead wrong. Lahaina's water system's core components are backed up by diesel generators, and would not have stopped working if electricity had been shut down.¹⁶ (Emphasis added.)

D. Mr. Goold Exposes Hawaiian Electric Unlawful Action

HECO used their Sanctions Motion to deter legal representatives from assisting Mr. Goold. Mr. Goold therefore demanded Defendants file their motion. Defendants refused. Mr. Goold correctly demonstrated Defendants violated Rule 11 protocols failing to immediately serve a Sanctions Motion for harassment.

Mr. Goold correctly demonstrated Defendants violated Rule 11 precedent by including unlawful accusations and documentary evidence in their Sanctions Motion for harassment.

Mr. Goold accurately proved at hearing, April 25, 2022, and in multiple pleadings, that Defendants spoke falsely at hearing, March 3, 2022, defending their justification for refusing to file their Sanctions Motion. Whattoff's statement was a misrepresentation and lie to the court:

¹⁵ <https://clearhealthlife.com/2023/08/16/please-tell-the-truth-about-hawaii/>

¹⁶ <https://www.staradvertiser.com/2023/08/18/hawaii-news/maui-water-pumps-can-work-without-heco-power/>

“So because plaintiff has never served his complaint on Hawaiian Electric or any of the other defendants, they have been unable to file a Rule 11 motion or take other action to address the allegations.”
[ROA, Dkt. No. 119, Ex86, p4, lines 16-20]

Mr. Goold correctly demonstrated that Defendants violated Rule 11 precedent interfering between Mr. Goold and his legal team. Mr. Goold first complained to this Honorable Court November 7, 2022 [Dkt No. 37], again February 8, 2023 [Dkt No. 81], seeking relief from the false and unlawful charges. Mr. Goold has continued urgent pleas for relief. This Honorable Court has refused to intervene. HECO retaliation continues.

Mr. Goold has therefore been forced to self-represent this matter as a pro se litigant. Whattoff claims this appeal has been “highly circuitous and inconsistent” and demanded “dismissal with prejudice”:

“The path of this appeal has been highly circuitous and inconsistent. Plaintiff- Appellant Jeffrey Scott Goold (“Plaintiff”) has filed four motions to remand, filed multiple motions for reconsideration, and missed multiple deadlines to file his opening brief. Incredibly, the appeal has already been dismissed on two previous occasions, *at Plaintiff’s request*. Despite Plaintiff’s ever-changing positions, this Court has provided Plaintiff with every possible opportunity to have his appeal heard on the merits, and has allowed Plaintiff to re-litigate his positions when he did not like the results. It is now time for the matter to be dismissed with prejudice.”
[Dkt No. 176, p1] (Emphasis in original)

Whattoff is accurate. Mr. Goold acknowledges that this appeal has been confused and circuitous. However, confusion stems from HECO’s interference with Mr. Goold’s legal team and refusal to file Sanctions Motion. Mr. Goold is a competent energy, management and system analyst. He is not an attorney or experienced in litigation.

Mr. Goold nevertheless exposed that Hawaiian Electric and their legal team made numerous mistakes and engaged in unethical, as well as unlawful, activity in these proceedings. Confusion in this matter is 100% the fault and responsibility of Defendants.

E. Mr. Goold Seeks Access to Justice

Mr. Goold petitioned this Honorable Court for an opportunity to provide an opening brief. At the same time, there remained unanswered questions about proceedings before Judge

Dean E. Ochiai (“Judge”) and the lower court. Mr. Goold was not confident managing two threads of legal arguments in different venues. Mr. Goold sought to delay either the lower court or proceedings before this Honorable Court to reduce confusion.

This Honorable Court denied Mr. Goold’s request for extension. Mr. Goold therefore requested dismissal and navigated the challenge in the lower court. [Dkt No. 172] Mr. Goold requested this Honorable Court allow his appeal to continue once the lower court process completed:

“This appeal has been delayed numerous times by Mr. Goold, who has been unable to move quickly being handicapped without an attorney. This appeal was also delayed some 214+ days by seasoned and licensed attorney, Randall C. Whattoff, partner at Cox Fricke LLP. Mr. Goold admits that he is not qualified. Whattoff demonstrated professional incompetence and should be sanctioned. There is no excuse for such failure. Whattoff criticized Mr. Goold, yet Whattoff has spoken untruthfully and incompletely to the lower court and this Honorable Court. Mr. Goold prays this Honorable Court will now allow him access to justice.” [Dkt No. 182, p8]

At hearing before lower court, Judge refused to tell the truth about his understanding of the controversial waiver offer that led Mr. Goold to file the challenge, pursuant to Hawai’i Rules of Civil Procedure (“HRCP”) Rule 60(b).

Judge’s omission was glaring. Mr. Goold pointed out that a competent, ethical arbitrator would have simply stated something like:

“Good morning. Before we begin, let me remedy this matter. Plaintiff Mr. Goold has claimed Defendants confused my understanding of the waiver offer. Plaintiff’s legal challenge cites Hawai’i Rules of Civil Procedure Rule 60(b). I was not misled. I knew the offer was limited to only HECO, and did not include HEI, Dear or Buco. Mr. Goold, you may fault me in appeal if you question my judgment. That is your right. However, your challenge today is that Defendants misled or misrepresented the waiver offer to me. They did not. Therefore, your challenge is without merit. I am ready to rule to dismiss this motion. Do you have anything further to add?” [*Id.*, p4]

Judge’s refusal to state his belief for the record provides support for Mr. Goold’s claim that Whattoff confused Judge with his incomplete statement at hearing.

Mr. Goold's first HRCF Rule 60(b) challenge focused on the false statement made by Whattoff regarding being unable to file Sanctions Motion until Plaintiff served his complaint. Legal precedent established by SCOTUS over 30-years ago proved Whattoff lied. [110 S.Ct. at 2454-57] Judge did not hold Defendants accountable. [ROA, Dkt. No. 92]

Mr. Goold's second HRCF Rule 60(b) challenge, as noted above, focused on Whattoff's incomplete description of the Waiver Offer.

At hearing July 12, 2023, Mr. Goold notified Judge that his court failed to notify Plaintiff that First Amended Complaint ("FAC") was tardy and delinquent in process of service.

The tragic Lahaina fires illustrated the importance of notification. Herman Andaya ("Andaya"), Maui Emergency Management Agency director, failed to activate the siren warning system in the midst of the disaster. Residents had the right to expect notification. We will never know how many perished due to Andaya's flawed decision making. Andaya stepped down under pressure.

Likewise, Mr. Goold had the right to be notified about the delinquent status of the FAC. Mr. Goold claimed he was confused at the time, due to the pandemic, court closures and general disruptions. [ROA, Dkt. No. 52] Whattoff claimed the court was fully functional — thus, implying court incompetence. Confusion or Incompetence? Regardless, Mr. Goold should have been notified. At hearing, Mr. Goold stated at hearing July 12, 2023:

"You — the precedent as I have — as I have shown in my briefs, your honor, my pleadings, the precedent in the District Court, the Circuit Court, the ICA, is if a plaintiff is tardy, delinquent in Rule 28, that's the Rules of the Circuit Court of the State of Hawai'i, RCCH, if the plaintiff is tardy, it is common standard protocol for the court to notify the plaintiff that they are tardy and then extend them one last 30-day opportunity to get their process corrected, to solve the delinquency. That is the standard. Mr. Whattoff included that. And the Murauskas case that I talked about and four or five others, it's all clear and standard. And this court did not notify me when I was tardy. This court instead blamed me.

Now, the defendants -- the one that's most appropriate to me is Murauskas versus Gusman. Now, this was I described in docket number 175, pages 9 through 10, and the reason I like that is the Rules of the District Court, State of Hawaii, RDC Rule 28 is the same as the RCCH Rule 28.

This court neglected to notify me. It wasn't about advice. It's just notifying me of procedural — that this — that my complaint was in — delinquent. The court then neglected to offer me one final opportunity to serve defendants. This court in that sense then denied me access to judgment — to justice, excuse me.” [Transcript, included as “**Appendix C**,” p7-8, lines 6-25, 1-6]

Mr. Goold was responding in part to Judge’s previous statement, “The court does not give legal advice.” [*Id.*, p7, lines 3-4]

Judge has treated Mr. Goold disrespectfully throughout proceedings. Mr. Goold officially noted a portion of the unprofessional behavior for the record in his objection to the order denying Mr. Goold an extension. [ROA, Dkt. No. 225] Mr. Goold documented for this Honorable Court that Judge was not prepared for hearing on July 12, 2023 or familiar with the ICA order [ROA, Dkt. No. 185] in his joinder of July 28, 2023. [Dkt No. 182]

Regarding the expectation of notice, Judge dismissed Mr. Goold’s claim as mentioned above, “The court does not give legal advice.”

Judge does not give legal advice? Seems to be Judge is either incompetent or corrupt. At hearing May 7, 2021, the first meeting between Judge and Mr. Goold, Judge directed attorneys Mr. Tani or Mr. Harada to prepare the appropriate order to withdraw as Mr. Goold’s counsel. Judge looked to Mr. Goold and stated unequivocally:

“Mr. Goold, the Court **will advise you** that you can proceed as a self-represented individual. However, having a lawyer represent you in an employment issue is much more beneficial than trying to navigate this area of the law on your own unless you have a law degree. And in that case, you know what? Go ahead. But all the Court can state is it will have to apply the same rule book to parties, whether or not they have lawyers or do not.” [Transcript, included as “**Appendix D**,” p3, lines 12-19] (Emphasis mine.)

- Judge (7.12.23): “The court does not give legal advice.”
- Judge (5.7.21): “Mr. Goold, the Court will advise you ...”

Which is it: incompetence or corruption? Either way, this ruling can and should be appealed. Mr. Goold notified Defendants. Whattoff responded on August 24, 2023, at 5:40 PM, by **threatening** Mr. Goold with sanctions:

“We disagree that there is a basis to set aside the judgment under HCRP Rule 60(b)(6). Our position is that repeated motions pursuant to Rule 60 would be improper and sanctionable.” [Appendix A, p5]

E. Possible Pathways to Access Justice

In discussion with Defendants to avoid burdening this Honorable Court, they failed to cite precedence demonstrating HCRP Rule 60(b) limits the number of challenges, attached as “**Appendix E**”. Had Whattoff spoke truthfully, first challenge would not been appropriate. Had Whattoff spoke completely, second challenge would not have been required. And, had the court followed legal precedent and expectations, third challenge would not be necessary.

Mr. Goold has the legal right to pursue a HCRP Rule 60(b) challenge before Judge. Judge however has demonstrated hostility and impatience with Mr. Goold. It is unlikely Judge will overrule himself, and likely Judge will deny Mr. Goold’s valid challenge and penalize him. Judge’s anticipated unprofessional behavior would then force Mr. Goold to appeal the ruling.

Consider the alternative. Plaintiff’s FAC was due to be served around the end of August 2021. Had the court notified Mr. Goold, for example, of delinquency on October 1, 2021, and extended one last-chance 30 day extension, Mr. Goold would have served by November 1, 2021, or this dispute would have been dismissed. Due to the court’s omission, hundreds of court documents have been generated, hours of legal time wasted and tremendous confusion heaped on the lower and this Honorable Court. Andaya’s neglect of notice likely killed people. Lower court’s failure to provide notice created much frustration. Parties still argue over service.

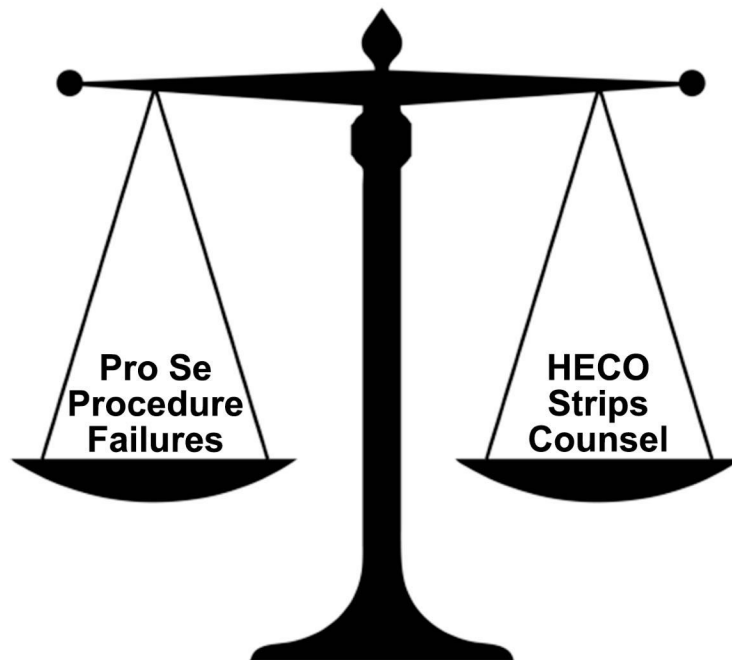
A second and less circuitous pathway is to accept the Judge’s ruling on July 12, 2023, and appeal directly to this Honorable Court. Mr. Goold initially presented a number of challenges to the tribunal, which included this concern. [Dkt No. 158] Mr. Goold documented malicious behavior by Defendants in regard to Rule 11 interference, Rule 11 unlawfulness, false and incomplete statements ... all of which constitute a messy appeal.

Mr. Goold now has a clean, concise challenge on appeal — lack of notice regarding the tardy and delinquent FAC, and failure to offer one last-chance 30 day opportunity to correct the deficiency. This Honorable Court expressed a commitment to providing access to justice to pro se litigants. Lower court clearly denied access to justice.

Mr. Goold is willing to stipulate that the March 3, 2022 hearing constituted notice. Mr. Goold properly served Defendants on about March 15, 2022 — within what would have been the one last-chance 30 day opportunity to process service.

F. Conclusion

Lahaina was wiped off the map in Biblical tragedy due to combination of government and Hawaiian Electric incompetence, neglect and failure. Mr. Goold’s dispute with Hawaiian Electric echoes similar failures of government and Hawaiian Electric.



The Honorable Court can continue the abysmal practices and behavior of the past by covering for Hawaiian Electric — or out of respect for the lives lost, destruction to our historical town and pain that all of us who love Hawai’i suffer, begin a new chapter in the Aloha state. Mr. Goold made pro se mistakes, but HECO stripped Mr. Goold of counsel unlawfully.

PONO OPTION: This Honorable Court has not heard Plaintiff’s appeal, and self-represented Mr. Goold has been denied “access to justice” being forced to appear without competent counsel. Whattoff has proven — and Mr. Goold admits — that Plaintiff is not competent without representation. This Honorable Court can correct many failures by resolving the Sanctions Motion, which would allow Mr. Goold to obtain counsel.

INEQUITABLE OPTION: This Honorable Court may require legally unskilled Mr. Goold to submit Plaintiff-Appellant’s Opening Brief pro se. Honorable Judges face tremendous pressure from local officials. Mr. Goold empathizes with their predicament. Mr. Goold served for over 20+ years as a judge — of athletic pursuit. From 4th grader beginners to HS stars, Mr. Goold adjudicated competition on the court. In 1992, Mr. Goold served as a judge in the NCAA Division I women’s national championship volleyball tournament.

Championship match between UCLA and the Stanford Cardinal, Stanford up two games to one, and Stanford was ahead by one point late in what could be the final and deciding game of the season. UCLA attacker hit a thunderous spike that appeared to sail out of the arena. Stanford players and fans erupted. They would be up by two and have the ball to serve.

Denied. Judge Goold was signaling touch and pointed to the offending player, All-American middle blocker Beverly “Bev” Oden. Oden sprinted toward Judge Goold. “No, no, no,” she exclaimed as she waived her open hands in the air. “No touch!” Pair stood in front of the Stanford bench and head coach Don Shaw. Players, coaches and Stanford fans screamed in protest along with Oden. The All-American claimed no touch. All assumed Judge Goold had missed the call. Head judge looked to Goold. He confidently confirmed his call.

Side-out to UCLA. Rather than up by two, the critical game was now tied. Stanford ended up winning the match and national title. Judge Goold’s controversial call was forgotten.

Post-game, Mr. Goold and friend went to dinner. About 20 minutes later, the newly-crowned national champions entered. A waitress soon brought Mr. Goold a cold beer. “From the woman over there,” the staff member pointed. The woman was Bev Oden. She waived at Mr. Goold. He walked over to their table.

“Thank you,” said Mr. Goold. In front of Coach Shaw and teammates, Bev apologized. “You were right. I did touch that ball — *but I had to go for it!*” Bev smirked sheepishly. Coach and players all laughed. Bev gave Mr. Goold a hug, “No hard feelings?” Mr. Goold also laughed, “Part of the game! Appreciate you telling me the truth.”

Bev invited Mr. Goold to dance. Mr. Goold’s friend, Coach Shaw and the Stanford players headed to the dance floor. Goold and Shaw were the only men with about ten extraordinary tall national champion women athletes. Hugs, high-fives, laughter and joy

characterized the rest of the evening. Americans love sports — because sporting events work hard to be fair to competitors, teams and fans.

Will this Honorable Court be fair to Mr. Goold by requiring Defendants to answer for the unlawful Sanctions Motion? The powerful \$4+ billion company pummels an ordinary citizen. If not, Mr. Goold will do his best to provide an **Opening Brief** within **FOURTEEN DAYS after ICA issues order**.

Waltrip v. TS Enterprises, Inc., 140 Hawai i 226, 239, 398 P.3d 815, 828 (2016) (requiring courts to construe pro se filings in a reasonable manner that promotes access to justice), and Hawai i’s appellate courts have “consistently adhered to the policy of affording litigants the opportunity to have their cases heard on the merits, where possible,” Scheffe v. Reliable Collection Agency, Ltd., 96 Hawai i 408, 420, 32 P.3d 52, 64 (2001) (citation and quotation marks omitted). [Dkt No. 170, p4]

Mr. Goold admits that he is not qualified. Whattoff and Defendant HECO have demonstrated professional incompetence, unethical and unlawful behavior, and should be sanctioned. Mr. Goold prays this Honorable Court will now allow him access to justice by demanding Defendants accept responsibility for their actions.

In the moment of intense competition, All-American Bev Oden forgivably fought for her team. The national champion revealed her admirable character in front of coach and teammates by apologizing for the indiscretion, correcting the record, and reaffirming both love and respect for Judge Goold and the game itself. Character Counts! Bev showed we can be better. That’s how champions respond. People of lesser courage incinerated a historic town.

Ua mau ke ea o ka aina i ka pono

DATED: Honolulu, Hawai’i, September 20, 2023.

JEFFREY SCOTT GOOLD

CAAP 22-0000406

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

JEFFREY SCOTT GOOLD,

Plaintiff-Appellant,

vs.

HAWAIIAN ELECTRIC COMPANY, INC.;
HAWAIIAN ELECTRIC INDUSTRIES,
INC.; ELIZABETH DEAR; SHANA M.
BUCO,

Defendants-Appellees

and

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

Defendants.

CIVIL NO. 1CCV-21-000216

APPEAL FROM:

FINAL JUDGMENT, filed Dec. 23, 2022

CIRCUIT COURT IN THE FIRST CIRCUIT,
STATE OF HAWAI'I

HONORABLE DEAN E. OCHIAI
Judge

DECLARATION OF JEFFREY SCOTT GOOLD

I, JEFFREY SCOTT GOOLD declare and say that:

1. I am a resident of the State of Hawai'i and Plaintiff-Appellant in this matter. All of the information stated herein is information based on my personal knowledge that I learned in

my capacity as plaintiff pro se. If called as a witness I could and would testify to the truth of the matters stated herein except as to those matter stated to be true on information and belief, and as to those matters I believe them to be true.

2. Attached hereto as **Appendix A** is a true and correct copy of an email thread between Scott Goold and Cox Fricke LLP law firm, Randall C. Whattoff, dated August 24, 2023 through August 26, 2023.

3. Attached hereto as **Appendix B** is a true and correct screen captures of Hawaiian Electric Industries (HEI) management, dated November 20, 2017, and January 28, 2022.

4. Attached hereto as **Appendix C** is a true and correct underlined copy of an excerpt from the Transcript of Proceedings dated July 12, 2023.

5. Attached hereto as **Appendix D** is a true and correct underlined copy of an excerpt from the Transcript of Proceedings dated May 7, 2021.

6. Attached hereto as **Appendix E** is a true and correct copy of an email thread between Scott Goold and Cox Fricke LLP law firm, Randall C. Whattoff, dated September 5, 2023, regarding protocol with the 7th Division First Circuit Court (7thDivision 1CC).

I do declare under penalty of law that the foregoing is true and correct.

Executed this 20th day of September 2023, at Honolulu, Hawai'i.

/s/ Scott Goold
JEFFREY SCOTT GOOLD

Re: Hawaiian Electric THREATENS Scott Goold

Cc: Nancy Farris, Cary Colaianni, Eric Krening, Eric Seitz, Megan Kau, Scott Goold

August 26, 2023

ATTN: Hawaiian Electric et al

You have threatened, intimidated and disparaged since April 6, 2021. You now threaten me with sanctions to deter me from seeking my right to access justice. No Rule 60(b)(6) challenge on the lack of court notice has been made. This Rule 60(b)(6) claim will be novel. Precedent from Maui is heart-wrenchingly clear. Residents of our great state have a RIGHT to be notified by government. This court had a duty to notify me. Consider for a moment. Filed initial complaint 2.25.21. Process of service was delinquent around the first of September. Assume this court properly notified me on October 1, 2021, and extended a last-chance opportunity of 30 days. By November 1, 2021, the court could have dismissed my complaint sua sponte — or I would have served. By end of the month in the latter instance, you could have served your motion to dismiss on merits. This court junked up the process.

And here we are today, August 26, 2023, still wrangling over dismissal for want of service — because this court failed in their duty. This court has wasted my time, added burden to the court calendar, as well as ICA, and wasted resources of HECO and defendants. You are the only winner here.

The price of failing to notify in Maui is likely numerous dead human beings including 100s of children. Residents have a RIGHT to be notified. I believe the court was in confusion due to the pandemic during this period. You ridiculed my claim and said the court was operating properly. You therefore conclude this court was negligent in their duties. This court had many months to notify me. They failed. Confusion or incompetence. Which is it?

Brief History

A. Dkt. No. 92: Motion to Set Aside (3.31.22)

APPENDIX A

17. Per HRCF Rule 60(b), on motion and upon such terms that are just, the court may relieve a party or a party's legal representative from a final judgment, order or proceeding.

18. Defendants violated HRCP Rule 60(b)(1). Defendants's claim that they were restricted from filing their Rule 11 motion, although Plaintiff made numerous requests that they file, represents a mistake, inadvertence or excusable neglect.

19. Defendants violated HRCP Rule 60(b)(3). Defendants's claim that they were restricted from filing their Rule 11 motion, although Plaintiff made numerous requests that they file, represents a fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation or other adverse misconduct of an adverse party.

20. Defendants violated HRCP Rule 60(b)(6). Defendants's claim that they were restricted from filing their Rule 11 motion, although Plaintiff made numerous requests that they file, represents additional reasons justifying relief from the operation of the judgment.

21. Mr. Whattoff failed to be candid toward this tribunal in violation of Hawai'i Rules of Professional Conduct ("HRPC") Rule 3.3(a)(1).

B. Dkt. No. 175: Motion to Relieve from Judgment (5.8.23)

This instant motion is brought pursuant to Rule 60(b)(3) and (6) of the Hawai'i Rules of Civil Procedure ("HRCP"). In preparation for filing Plaintiff-appellant's opening brief to the Intermediate Court of Appeals, Mr. Goold discovered inconsistencies in the statements both written and oral by Mr. Randall C. Whattoff ("Whattoff"), partner Cox Fricke LLP, on behalf of Specially Appearing Defendant-Appellee Hawaiian Electric Company, Inc. ("HECO") during the hearing and proceedings before the Circuit Court and Honorable Dean E. Ochiai ("Judge").

In Conclusion section:

Plaintiff filed the instant action on February 25, 2021; amended and filed first amended complaint May 21, 2021. Process of service was due about August 25, 2021. SARS-CoV-2 pandemic was raging. Plaintiff reported his confusion in motion to enlarge [Dkt. No. 46]. Some court operations were closed. HCRC was closed during parts of this period. Standard expectation in district and circuit courts is to notify a plaintiff if a complaint is in default and allow one final extension to effect service. Likely court operations were obstructed and in turmoil as well. Notification to Mr. Goold did not occur.

C. Hearing July 12, 2023

Court was not prepared; did not know of ICA ruling or precedent; did not allow rebuttal; did not allow objections; did not entertain discussion regarding failure to provide notice. Defendants did not address or dispute lack of notice and last-chance 30-day opportunity prior to filing of proposed order.

This concern has not been addressed. In previous two hearings, there were multiple rounds of discussion. Judge (4.25.22) instructed me to hold my objections, as I would be given an opportunity to speak.

THE COURT: Mr. Goold, I'm ready to rule right now if you're not willing to adhere to the procedure that we do for hearing motions. One side talks, the other side talks. These are motions. This is not a trial. If you don't get that, then this hearing will be over. [p24]

THE COURT: Mr. Goold, wait for your turn. [p25]

MR. GOOLD: You didn't allow me to answer. You said you would give me an opportunity to answer. [p26]

THE COURT: Only to the points raised by Mr. Whattoff. Not to regurgitate the entire argument again. Go ahead. [p26]

D. SUMMARY

Lack of notice has not discussed. His Honor denied my request for rebuttal and answer. A specific Rule 60(b)(6) challenge of lack of notice therefore is warranted.

Regarding threats, intimidation and disparagement on April 6, 2021, you wrote:

On behalf of my clients Hawaiian Electric Company, Inc., Hawaiian Electric Industries, Inc. and Shana M. Bucu (collectively "Hawaiian Electric"), I am hereby serving a copy of Hawaiian Electric's Motion for Sanctions on your client, Jeffrey Scott Goold, pursuant to Rule 11(c) of the Hawai'i Rules of Civil Procedure. If Mr. Goold does not withdraw his Complaint by 21 days from the date of this letter, Hawaiian Electric will have no choice but to file the Motion. We previously discussed the basis for this motion at length on or about March 8, 2021, but please do not hesitate to contact me if you would like to discuss further.

HARD COPY OF EMAIL THREAD

Your threat chased away my attorneys; intimidated other attorneys; disparaged my reputation -- and you have denied me an opportunity to respond to the charges. I have demonstrated a motion for sanctions based on harassment claims must be filed immediately and that your motion contains unlawful allegations.

As you continue to threaten, intimidate and disparage, claim no wrong doing, I intend to notify media and elected officials of this uncivil behavior tomorrow. HECO management is under scrutiny at this time. Might be prudent to stop being a bad corporate actor and engage me in good faith.

On Aug 26, 2023, at 12:51 PM, Randall C. Whattoff <rwhattoff@cfhawaii.com> wrote:

Mr. Goold,

We have not threatened, intimidated, or disparaged you. I merely stated that: "We disagree that there is a basis to set aside the judgment under HCRP Rule 60(b)(6). Our position is that repeated motions pursuant to Rule 60 would be improper and sanctionable." The issues you identified below are the same issues that you have raised in previous motions, and which have been addressed by the Court. See generally *Picozzi v. Clark Cnty. Det. Ctr.*, No. 215CV00816JCOMPAL, 2017 WL 1368696, at *2 (D. Nev. Apr. 6, 2017) ("[F]iling multiple motions requesting the same relief is an abusive litigation tactic that taxes the resources of the court and all of the parties to this lawsuit."); *Kukui Nuts of Hawaii, Inc. v. R. Baird & Co., Inc.*, 6 Haw.App. 431, 436, 726 P.2d 268, 272 (1986) (noting Hawaii Courts' ability to assess attorney's fees as a sanction for abusive litigation practices made in bad faith).

Randall C. Whattoff
Partner, Cox Fricke LLP
(808) 681-2261 (Mobile)
(808) 550-9724 (Direct)

On 8/25/23, 11:16 AM, "Scott Goold" wrote:

Aloha e Hawaiian Electric and all unserved parties ~

I will not tolerate any more threats, intimidation and disparagement by Hawaiian Electric. I filed two Rule 60(b) challenges.

HARD COPY OF EMAIL THREAD

1. At hearing, March 3, 2022, Randall C. Whattoff stated falsely: So because plaintiff has never served his complaint on Hawaiian Electric or any of the other defendants, they have been unable to file a Rule 11 motion or take other action to address the allegations.

The US Supreme Court around 1991 ruled that defendants could take action. Hawaiian Electric's position was false. Plaintiff Goold was justified to bring a Rule 60(b) challenge.

2. At the same hearing, March 3, 2022, Randall C. Whattoff stated incompletely, "At one point we even offered to waive service for plaintiff and he declined that."

The waiver offer ONLY included HECO, not HEI, Buco or Dear. It appears the incomplete statement fooled Judge Ochiai. He did not deny the allegation at the recent July 12, 2023 Rule 60(b) challenge.

There is NO dispute that the court failed to notify Plaintiff Goold of the delinquent status processing service. There is NO dispute that the court failed to offer Plaintiff Goold the standard 30-day last opportunity to serve defendants.

A Rule 60(b)(6) challenge therefore is warranted. This court has denied Plaintiff Goold "access to justice," as required by the Intermediate Court of Appeals (ICA). If Hawaiian Electric does not RETRACT this threat by EOB today, Friday, August 25, 2023, I will send out a letter to all my contacts locally and nationally explaining how Hawaiian Electric is working to intimidate me and silence my opposition to their corruption, incompetence and cruelty. I will also file a complaint with the ICA.

You have until EOB today. If you do not retract the threat, I will release my publication on Sunday, August 27, 2023, and file a complaint with the ICA for harassment and intimidation.

I look forward to your anticipated retraction. Thank you and Mahalo Ke Akua.

On Aug 24, 2023, at 5:40 PM, Randall C. Whattoff wrote:

Re: Rule 60(b)(6) Challenge to HECO et al (Goold)

We disagree that there is a basis to set aside the judgment under HCRP Rule 60(b)(6). Our position is that repeated motions pursuant to Rule 60 would be improper and sanctionable.

Randall C. Whattoff
Partner, Cox Fricke LLP
(808) 681-2261 (Mobile)
(808) 550-9724 (Direct)

On 8/24/23, 11:11 AM, "Scott Goold" wrote:

Aloha e Hawaiian Electric and all unserved parties ~

In this difficult time, I seek to reduce conflict, costs and legal wrangling. However, it is clear Hawaiian Electric continues to lag Best Available Practices in the industry. For speaking out about bad past practices, your supporters have blacklisted me. You furthered a fictitious and unlawful Rule 11 motion for sanctions. Your actions chill dissent and criticism. You were warned of potential dangers. You did not respond effectively or in timely fashion. Now, some 1000+ residents are presumed dead. The historic town of Lahaina was wiped off the face of the planet.

You claim great privilege demands great responsibility. You accepted privilege; you are now responsible for these deaths and tragic losses. As James Madison warned:

If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. Federalist 51

Criticism and oversight cannot be silenced. Ambition must check ambition if we believe in American values.

At hearing and in my pleadings for July 12, 2023 session, I documented that the court failed to notify me of my delinquent status and offer the standard 30-day last chance opportunity to process service. Plaintiffs have a right to be notified. Just as residents of Lahaina has a right to be notified by warning sirens. Herman Andaya resigned under pressure. We have a right to expect to be notified so we can make wise decisions.

Pursuant to HCRP Rule 60(b)(6), "On motion and upon such terms as are just, the court may relieve a party or a party's legal representative from a final judgment, order, or proceeding for the following reasons ... or (6) any other reason justifying relief from the operation of the judgment. The motion shall be made within a reasonable time ..."

Failure to provide notice is a justifiable reason to overturn the judgment. The court has a duty. The court failed their duty. I was confused; had the court notified me, I would have resolved the delinquency. I brought up this concern at hearing on July 12, 2023. Defendants did not deny. His Honor did not deny. Such neglect constitutes an admission of fault.

HARD COPY OF EMAIL THREAD

Your attorney attempted a weak response after the hearing and after filing Defendants' proposed FoF/COL and order. This charge was not disputed in the filing. The late response was without merit.

I will wait a reasonable time now so all orders can be finalized. Then I will file a motion to reconsider based on this failure. While Judge Ochiai may not wish to overrule himself, this challenge is appealable. Legal precedent is clear and unanimous. Denying my challenge violated long standing precedent.

I ask you now to not heap more hardship on our family. You have 1000s of families to consider at this time. Do the right thing. Stipulate that the court failed to notify; allow my First Amended Complaint to move forward. You claim you did nothing wrong. Have the courage and human decency to stand to the charges. You claim in your Rule 11 that I am harassing you. Your right, although false accusations. I immediately expressed the courage to stand to the charges. You did not have the courage to file.

This pattern of corporate bad faith has led to much pain and anguish in the islands. Isn't it time to begin a new chapter as an honorable partner in our islands?

I'm asking you not to further unnecessary litigation. No more! All of us need closure. Please begin with our family. We would appreciate an answer by EOB Monday, August 28, 2023. If negative or no response, I will file the motion in a reasonable time. Thank you and Mahalo Ke Akua.

“Be kind whenever possible. It is always possible.” Dalai Lama
<https://www.HECOgate.com>

Change in Leadership at Hawaiian Electric 2018 to 2022

Entire executive management team directing HEI and subsidiary companies when Plaintiff served in 2018-2019 replaced by 2022. Human Resources appears to have new leadership.

November 20, 2017

January 28, 2022

'imi pono ~ to strive to be righteous



Corporate Code of Conduct

November 20, 2017*


Dear Employees, Officers and Directors of the HEI Companies,

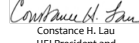
Mahalo for your hard work and devotion to building a company of which we can all be proud. The reputation of the HEI companies and their traditions of excellence are a direct reflection and result of your commitment to our company's core values and your integrity and efforts on the job and in the community.

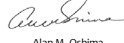
In addition to all of you, there are numerous stakeholders in our company, including our shareholders, our customers, our vendors and suppliers and other members of the communities we serve and call our home. Each of us has a responsibility to do our part in continuing to earn the trust and confidence that these various stakeholders have placed in us by operating in accordance with the highest standards of business conduct and ethics.

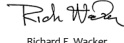
Our Corporate Code of Conduct describes our company's core values, which are the fundamental principles that guide the conduct of our business. Everyone to whom our Code applies must take the time to read, understand and apply the provisions of our Code and report any concerns. The Board of Directors and management also have a responsibility to maintain a company culture based on integrity and compliance with all laws and an environment in which everyone can feel comfortable raising questions and concerns without fear of retaliation. We also encourage you to let us know if you have any suggestions for improving our Code and our efforts to promote an ethical culture for our company in which we strive to be righteous.

Thank you for your dedication and commitment to carrying out our company's core values and contributing to the success of the HEI companies.


 Jeffrey N. Watanabe
 HEI Chairman of the Board


 Constance H. Lau
 HEI President and
 Chief Executive Officer,
 ASB and HECO Chairman of the Board


 Alan M. Oshima
 HECO President and
 Chief Executive Officer


 Richard F. Wacker
 ASB President and
 Chief Executive Officer

*Note: This Code of Conduct is identical to the version dated May 19, 2017 other than to reflect ASB compliance officer changes.



Letter from the Presidents

January 28, 2022*

Dear Employees, Officers and Directors of the HEI Companies,

Mahalo for your hard work and devotion to building a company of which we can all be proud. The reputation of the HEI companies and their traditions of excellence are a direct reflection and result of your commitment to our company's core values and your integrity and efforts on the job and in the community.

In addition to all of you, there are numerous stakeholders in our company, including our shareholders, our customers, our vendors and suppliers and other members of the communities we serve and call our home. Each of us has a responsibility to do our part in continuing to earn the trust and confidence that these various stakeholders have placed in us by operating in accordance with the highest standards of business conduct and ethics. As a company, we are focused on working collaboratively with our communities to create a path toward a more sustainable future—to strengthen our state's economy, improve the well-being and resilience of our communities and protect Hawaii's extraordinary environment.

Our Corporate Code of Conduct describes our company's core values, which are the fundamental principles that guide the conduct of our business. Everyone to whom our Code applies must take the time to read, understand and apply the provisions of our Code and report any concerns. The Board of Directors and management also have a responsibility to maintain a company culture based on integrity and compliance with all laws and an environment in which everyone can feel comfortable raising questions and concerns without fear of retaliation. We also encourage you to let us know if you have any suggestions for improving our Code and our efforts to promote an ethical culture for our company in which we strive to be righteous.

Thank you for your dedication and commitment to carrying out our company's core values and contributing to the success of the HEI companies.


 Adm. Thomas B. Fargo
 HEI Chairman
 of the Board


 Scott W.H. Seu
 HEI President and
 Chief Executive Officer,
 ASB Chairman of the Board


 Shelee M.T. Kimura
 Hawaiian Electric President and
 Chief Executive Officer


 Ann C. Teranishi
 ASB President and
 Chief Executive Officer


 Scott A. Valentino
 Pacific Current
 President

*Note: This Code of Conduct is identical to the version dated Nov. 29, 2021 other than the replacement of Constance H. Lau with Scott W.H. Seu as HEI President and CEO and the replacement of Scott W.H. Seu with Shelee M.T. Kimura as Hawaiian Electric President and CEO.

Change in Human Resources Leadership

May 2019

Thao T. Tran, Senior Associate General Counsel

January 2022

Thao T. Tran, Director, Human Resources

APPENDIX B

1 IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
2 STATE OF HAWAII

3	_____)	
4	JEFFREY SCOTT GOOLD,)	
)	
5	Plaintiff,)	
)	
6	vs.)	Civil No.
)	1CCV-21-0000216
7	HAWAIIAN ELECTRIC COMPANY, INC.,)	
	et al.,)	
8)	
	Defendants.)	
9	_____)	

10 TRANSCRIPT OF ELECTRONICALLY RECORDED PROCEEDINGS
11 before the Honorable Dean E. Ochiai, Judge, Seventh
12 Division, presiding, on July 12, 2023.

13
14
15

16 APPEARANCES:

17	JEFFREY SCOTT GOOLD	Plaintiff Pro Se
18		
19	RANDALL C. WHATTOFF, ESQ.	For Specially Appearing Defendant Hawaiian Electric Company, Inc.
20		

21
22

23 TRANSCRIBED FROM AUDIO BY
24 Sharon Hulihee, RPR, CSR 306
25 Official Court Reporter
State of Hawaii

APPENDIX C

1 THE COURT: Mr. Goold.

2 MR. GOOLD: Yes, your honor?

3 THE COURT: The court does not give legal
4 advice. That's why I said you have to follow the same
5 rules. We do not instruct people how to practice.

6 MR. GOOLD: You -- the precedent as I have --
7 as I have shown in my briefs, your honor, my pleadings,
8 the precedent in the District Court, the Circuit Court,
9 the ICA, is if a plaintiff is tardy, delinquent in Rule
10 28, that's the Rules of the Circuit Court of the State of
11 Hawaii, RCCH, if the plaintiff is tardy, it is common
12 standard protocol for the court to notify the plaintiff
13 that they are tardy and then extend them one last 30-day
14 opportunity to get their process corrected, to solve the
15 delinquency. That is the standard. Mr. Whattoff included
16 that. And the *Murauskas* case that I talked about and four
17 or five others, it's all clear and standard. And this
18 court did not notify me when I was tardy. This court
19 instead blamed me.

20 Now, the defendants -- the one that's most
21 appropriate to me is *Murauskas versus Gusman*. Now, this
22 was I described in docket number 175, pages 9 through 10,
23 and the reason I like that is the Rules of the District
24 Court, State of Hawaii, RDC Rule 28 is the same as the
25 RCCH Rule 28.

1 This court neglected to notify me. It wasn't
2 about advice. It's just notifying me of procedural --
3 that this -- that my complaint was in -- delinquent. The
4 court then neglected to offer me one final opportunity to
5 serve defendants. This court in that sense then denied me
6 access to judgment -- to justice, excuse me.

7 Now everyone has a boss. Your boss is the
8 Intermediate -- Intermediate Court of Appeals, ICA, and
9 ICA order DK -- docket number 187 cited *Waltrip versus TS*
10 *Enterprise*: "Courts must construe" -- "must construe pro
11 se filings in a reasonable manner that promotes access to
12 justice." That's the ICA.

13 So why did this court fail to notify me? You
14 know, likely it was confusion related to the pandemic. I
15 was confused. In our March 3, 2022 hearing you refused to
16 consider my justification for delay, claiming I did not
17 reference my motions correctly. Open quote. "It does not
18 work that way, Mr. Goold. Each motion I have to decide it
19 on its merits so we are on the motion to dismiss right
20 now." That was in the March transcript, page 12, line 17
21 through 19. So close quote.

22 Your honor did not follow guidelines of the
23 ICA, did not apply the rule book equally or fairly. A pro
24 se litigant's pleadings must be construed liberally.

25 Defendants filed a joinder with the ICA

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

JEFFREY SCOTT GOOLD,		1CCV-21-0000216
Plaintiff,		
vs.		
HAWAIIAN ELECTRIC COMPANY,		
INC.; HAWAIIAN ELECTRIC		
INDUSTRIES, INC.; ELIZABETH		
DEER; SHANA M. BUCO; JOHN DOES		
1-10; JANE DOES 1-10; DOE		
CORPORATIONS 1-10; DOE		
PARTNERSHIPS 1-10; DOE ENTITIES		
1-10; AND DOE GOVERNMENTAL		
ENTITIES 1-10,		
Defendants.		

TRANSCRIPT OF ELECTRONICALLY RECORDED

PROCEEDINGS had before the HONORABLE DEAN E. OCHIAI, Judge presiding, on MAY 7 2021, regarding the above-entitled matter; to wit, MOTION TO WITHDRAW AS COUNSEL.

APPEARANCES:

JEFFREY SCOTT GOOLD		Plaintiff
JASON M. TANI, ESQ.		For the Plaintiff
BRYAN M. HARADA, ESQ.		

TRANSCRIBED BY:
Jamie S. Miyasato

APPENDIX D

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THE COURT: Okay. The Court has reviewed the motion, declarations, memorandum, and exhibits. The Court finds that it appears to the Court that the attorney-client relationship is irretrievably broken. And accordingly, the Court will grant the motion to allow the Rush Moore firm as well as attorneys Jason M. Tani and Bryan M. Harada to withdraw as counsel for Mr. Goold.

So Mr. Tani or Mr. Harada, please prepare the appropriate order.

Mr. Goold, the Court will advise you that you can proceed as a self-represented individual. However, having a lawyer represent you in an employment issue is much more beneficial than trying to navigate this area of the law on your own unless you have a law degree. And in that case, you know what? Go ahead. But all the Court can state is it will have to apply the same rule book to parties, whether or not they have lawyers or do not.

You understand?

MR. GOOLD: Yes. Thank you, Your Honor.
Scott Goold. Yes. Thank you, Your Honor.

THE COURT: Okay. All right. That being said then, thank you very much, everybody. Please prepare and submit the appropriate order.

From: Scott Goold

Subject: Re: Procedural Question: 1CCV-21-0000216, JEFFREY SCOTT GOOLD v HAWAIIAN ELECTRIC COMPANY

Date: September 5, 2023 at 11:26 AM

To: Randall C. Whattoff rwhattoff@cfhawaii.com

Cc: Nancy Farris nfarris@cfhawaii.com, Scott Goold



First, your filing, Hawaiian Electric's Objection to Plaintiff's Proposed FFCL and Order, was late and irrelevant. You wrote, "But more fundamentally, there is no rule requiring the Court to advise a pro se litigant on how to prosecute their case. Indeed, the Court is forbidden from doing so. See, e.g., Mala v. Crown Bay Marina, Inc., 704 F.3d 239, 243 (3d Cir. 2013) ..."

FORBIDDEN? From the comments I am submitting to ICA:

Judge claims he does not give legal advice? Seems to be Judge is either incompetent or corrupt. At hearing May 7, 2021, the first meeting between Judge and Mr. Goold, Judge directed either Mr. Tani or Mr. Harada to prepare the appropriate order to withdraw as Mr. Goold's counsel. Judge looked to Mr. Goold and stated unequivocally:

"Mr. Goold, the Court will advise you that you can proceed as a self-represented individual. However, having a lawyer represent you in an employment issue is much more beneficial than trying to navigate this area of the law on your own unless you have a law degree. And in that case, you know what? Go ahead. But all the Court can state is it will have to apply the same rule book to parties, whether or not they have lawyers or do not." [Transcript, Appendix D, p3, lines 12-19] (Emphasis mine.)

Judge (7.12.23): "The court does not give legal advice."

Judge (5.7.21): "Mr. Goold, the Court will advise you ..."

Second, notification is not "advice." During the Lahaina fires, Herman Andaya should have sounded the warnings sirens TO NOTIFY residents of impending danger. He was not advising them whether to run mauka or makai. The expectation is for residents to look ... then make the appropriate decision. Andaya resigned under pressure. He was wrong. People died.

In this matter, the court was expected to notify me. What I did after being notified was up to me to decide.

Third, you claim I had significant "warning" that the complaint might be dismissed. I had NO warning. You certainly did not warn me. The court did not warn me.

As you know, after you filed Motion to Dismiss for want of service (Dkt. No. 36), I filed Motion to Enlarge (Dkt. No. 46). I asked permission to serve. The court did not extend a last-chance 30-day opportunity, which is standard and expected pursuant to the cases you introduced. The court erred at that point.

In fact, you ridiculed me for claiming to be confused. You opposed my request. You did not support a last opportunity to serve, which is the expectation. And the court didn't allow me an opportunity to engage further in that discussion, as my enlarge motion was not the motion the court was hearing at the time. The court erred at that point, as ICA precedent shows. The court must read pro se pleadings liberally, right?

Had I processed service after you filed the dismissal motion, you would have claimed I was late, tardy, deficient — and opposed service. Therefore I needed to request permission. Believe our last communication prior to your motion was around December 1, 2021. You were responding to my request of November 23, 2021:

At this time, I offer two options: (1) engage in ho'oponopono negotiations or (2) file your CR 11 motion. If you choose the latter, I will stand pro se to defend my career and family. Let the court decide. If you prevail, the court may sanction me for my actions to seek relief. If I prevail, I will be able to secure qualified legal representation. I have found a suitable, competent attorney. He will represent us if we clear the CR 11 motion.

You wanted to force me to serve FAC without having legal representation. I wanted you to file CR 11 motion so I could defeat the accusations and then obtain counsel.

You were NOT restricted from filing the CR 11 motion. It was a choice to prevent me from obtaining counsel ... and interfering with counsel is not a tolerated purpose of Rule 11 precedent. This fact led you to speak untruthfully at hearing:

"So because plaintiff has never served his complaint on Hawaiian Electric or any of the other defendants, they have been unable to file a Rule 11 motion or take other action to address the allegations."

[ROA, Dkt. No. 119, Ex86, p4, lines 16-20]

APPENDIX E

All case precedent and our history supports my claim. This thread further documents that I was denied my right to be notified about the delinquency and given one final opportunity. The court erred, and I processed service within 30 days of our hearing.

Let's not waste the court's time! You have an obligation to deal with me in good faith. I have defeated your objections.

On Sep 5, 2023, at 10:51 AM, Randall C. Whattoff <rwhattoff@cfhawaii.com> wrote:

Mr. Goold,

I would refer you to our discussion of these issues in Hawaiian Electric's Objection to Plaintiff's Proposed FFCL and Order (attached). See discussion on page 3.

Randall C. Whattoff
Partner, Cox Fricke LLP
(808) 681-2261 (Mobile)
(808) 550-9724 (Direct)

On 9/5/23, 10:24 AM, "Scott Goold"

wrote:

You blanket oppose any of my requests. Thus, I cannot take your concerns to be credible. Please inform me where you disagree with my assertions. 1. Didn't you provide the case precedent? 2. Don't the cases you cited expect courts to notify a plaintiff of a tardy process of service?

Where do you disagree? I've dropped Ms. Carrie from this thread of discussion.

On Sep 5, 2023, at 10:19 AM, Randall C. Whattoff <rwhattoff@cfhawaii.com <mailto:rwhattoff@cfhawaii.com>> wrote:

Mr. Goold,

For the record, we disagree with your assertions below. However, I do not think it is appropriate to engage with the Court on substantive legal issues in this fashion, and I will therefore refrain from further comment.

Randall C. Whattoff
Partner, Cox Fricke LLP
(808) 681-2261 (Mobile)
(808) 550-9724 (Direct)

On 9/5/23, 8:51 AM, "Scott Goold"

wrote:

Thank you! Attorney for defendant Hawaiian Electric, in this case, Mr. Whattoff, shared a number of court cases demonstrating the precedent of notifying the plaintiff. I've copied Mr. Whattoff, as he was the one who provided case precedent. I had no knowledge of the practice until defendants brought up the matter.

Pursuant to HRCF Rule 28, as you noted, Hawai'i courts generally notify a plaintiff and offer one last 30-day opportunity to resolve the deficiency, as Mr. Whattoff taught all of us. You're not aware? I can share the case law with you that was provided by the defendants.

This is confusing to me! Appreciate your time.

On Sep 5, 2023, at 8:44 AM, 7thDivision 1CC

wrote:

Good morning Mr. Goold,

My understanding is the Court does not notify the Plaintiff if their complaint was not served. It's the responsibility of the Plaintiff to make sure the Defendant is served with the complaint timely and filing your return of service. The Court can dismiss a complaint if no service is made within 6 months after the complaint has been filed pursuant to HRCP Rule 28.

I hope I answered your question.

Thank You
Carrie
From: Scott Goold

Sent: Tuesday, September 5, 2023 8:17 AM
To: 7thDivision 1CC

Cc: Scott Goold

Randall C. Whattoff <rwhattoff@cfhawaii.com

Nancy

Farris <nfarris@cfhawaii.com

Subject: Procedural Question: 1CCV-21-0000216, JEFFREY SCOTT GOOLD v HAWAIIAN ELECTRIC COMPANY
Aloha e Carrie ~

As I've mentioned a couple times, I truly respect your courtesy and kindness throughout this ordeal. I am submitting a request to the Intermediate Court of Appeals today. I had confusion regarding the process of service requirements when first initiating my claim. I learned it is standard for the court to notify a plaintiff if their complaint has not been served and is "tardy" or delinquent.

I filed my complaint February 25, 2021. There were numerous court outages, disruptions during this time. The court should have notified me around September 2021 of delinquency. Defendants claim the court was operating properly, and imply this oversight was incompetence. I've not seen that in my experience. I believe there was simply a lot of confusion due to the pandemic.

Do you have notes or a record why I was not notified? If possible, could you respond before noon so I can file my request.

Appreciate all your assistance. Thank you again for printing my last document.

On Aug 30, 2023, at 12:52 PM, Scott Goold

wrote:

Aloha e Carrie ~
You so efficient and kind. Much appreciated

On Aug 30, 2023, at 10:38 AM, 7thDivision 1CC

wrote:

Mr. Goold,

I already printed the document on the 28th.

No need to drop off a copy.

Thank You
Carrie

CAAP 22-0000406

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

JEFFREY SCOTT GOOLD,

Plaintiff-Appellant,

vs.

HAWAIIAN ELECTRIC COMPANY, INC.;
HAWAIIAN ELECTRIC INDUSTRIES,
INC.; ELIZABETH DEAR; SHANA M.
BUCO,

Defendants-Appellees

and

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

Defendants.

CIVIL NO. 1CCV-21-000216

APPEAL FROM:

FINAL JUDGMENT, filed Dec. 23, 2022

CIRCUIT COURT OF THE FIRST CIRCUIT,
STATE OF HAWAI'I

HONORABLE DEAN E. OCHIAI
Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, a true and correct copy of the foregoing document was duly served upon the following parties via the means and on the date indicated below:

NAME(S)	E-MAIL BY STIPULATION	HAND DELIVERY	JEFS
RANDALL C. WHATTOFF 800 Bethel Street, Suite 600 Honolulu, Hawai'i 96813 rwhattoff@cfhawaii.com Telephone: (808) 585-9440 Facsimile: (808) 275-3276 Specially Appearing Attorney for Defendant-Appellee HAWAIIAN ELECTRIC Co., Inc. and All Unserved Parties	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>

DATED: Honolulu, Hawai'i, September 20, 2023.

JEFFREY SCOTT GOOLD

CAAP 22-0000406

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

JEFFREY SCOTT GOOLD,

Plaintiff-Appellant,

vs.

HAWAIIAN ELECTRIC COMPANY, INC.;
HAWAIIAN ELECTRIC INDUSTRIES,
INC.; ELIZABETH DEAR; SHANA M.
BUCO,

Defendants-Appellees

and

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

Defendants.

CIVIL NO. 1CCV-21-000216

APPEAL FROM:

FINAL JUDGMENT, filed Dec. 23, 2022

CIRCUIT COURT OF THE FIRST CIRCUIT,
STATE OF HAWAI'I

HONORABLE DEAN E. OCHIAI
Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, a true and correct copy of the foregoing document was duly served upon the following parties via the means and on the date indicated below:

NAME(S)	E-MAIL BY STIPULATION	HAND DELIVERY	JEFS
RANDALL C. WHATTOFF 800 Bethel Street, Suite 600 Honolulu, Hawai'i 96813 rwhattoff@cfhawaii.com Telephone: (808) 585-9440 Facsimile: (808) 275-3276 Specially Appearing Attorney for Defendant-Appellee HAWAIIAN ELECTRIC Co., Inc. and All Unserved Parties	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>

DATED: Honolulu, Hawai'i, January 18, 2024.

JEFFREY SCOTT GOOLD