

JEFFREY SCOTT GOOLD

Honolulu, Hawai'i 96815

**Electronically Filed
Intermediate Court of Appeals
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**IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII**

JEFFREY SCOTT GOOLD,)	CAAP-22-0000406
	)	(APPEAL CIVIL NO. 1CCV-21-000216)
Plaintiff-Appellant,)	
	)	PLAINTIFF-APPELLANT RESPONSE
vs	)	OPPOSING SPECIALLY APPEARING
	)	DEFENDANT-APPELLEE HAWAIIAN
HAWAIIAN ELECTRIC COMPANY, INC.;	)	ELECTRIC COMPANY, INC.'S
HAWAIIAN ELECTRIC INDUSTRIES, INC.;	)	MOTION TO DISMISS NOTICE OF
ELIZABETH DEAR; SHANA M. BUCO;	)	APPEAL WITH PREJUDICE [DKT
JOHN DOES 1-10; JANE DOES 1-10;	)	NO. 104]; MEMORANDUM IN
DOE CORPORATIONS 1-10;	)	SUPPORT; MOTION FOR
DOE PARTNERSHIPS 1-10;	)	RECONSIDERATION; CERTIFICATE
DOE ENTITIES 1-10; and	)	OF SERVICE
DOE GOVERNMENTAL ENTITIES 1-10,)	
)	
Defendants-Appellees)	
)	
)	

**PLAINTIFF-APPELLANT RESPONSE OPPOSING DEFENDANT-APPELLEE
HAWAIIAN ELECTRIC COMPANY, INC.'S MOTION TO DISMISS NOTICE OF
APPEAL WITH PREJUDICE [DKT NO. 104]**

Pursuant to Rule 27(a) of the Hawai'i Rules of Appellate Procedure ("HRAP"), Plaintiff-Appellant Jeffrey Scott Goold ("Mr. Goold" or "Plaintiff-Appellant") moves the Honorable ICA

to deny (“Response in Opposition”) Specially Appearing Defendant-Appellee Hawaiian Electric Company, Inc.’s (“HECO”) Motion to Dismiss Notice of Appeal with Prejudice [Dkt No. 104] (“Motion to Dismiss”), filed March 17, 2023.

HRAP Rule 27(a) authorizes a party to file a written response in opposition within 5 days after the service of a pleading upon a party. Defendant-Appellee HECO filed their Motion to Dismiss on March 17, 2023. Plaintiff-Appellant’s Response in Opposition is timely.

HRAP Rule 40 authorizes a party to file a motion for reconsideration within 10 days after filing of an opinion, dispositional order or ruling. Mr. Goold moves the Honorable ICA to reconsider the Order Denying Motion for Temporary Remand [Dkt No. 102], filed March 15, 2023. Plaintiff-Appellant’s request is timely.

Plaintiff-Appellant sought relief from the Honorable ICA, as Defendant-Appellee HECO served Mr. Goold with a Rule 11 Motion for Sanctions on April 6, 2021, yet refuses to file the charge. The Specter of Rule 11 prevents Mr. Goold from obtaining legal counsel. However, the included narrative and documentary evidence in HECO’s motion are unlawful.

The Honorable ICA denied the “Remand Motion to the extent Goold raises issues on the merits of the appeal, without prejudice to Goold raising the issues in his opening brief on the merits.” [*Id.* at 2]

This ruling creates a catch-22 for Mr. Goold.¹ Mr. Goold admits that he is not competent to self-represent his claims pro se before the court and requires legal assistance; yet Mr. Goold

¹ A catch-22 is a paradoxical situation from which an individual cannot escape because of contradictory rules or limitations. The term was coined by Joseph Heller, who used it in his 1961 novel *Catch-22*.

must self-represent his claims pro se before the court to clear the obstacle preventing legal representatives from coming to assist him. Catch-22.

Defendant-Appellee HECO, through their attorney Randall C. Whattoff, partner Cox Fricke LLP, included documentary evidence and a narrative that violates Rule 11 precedent and is unlawful [Dkt No. 93, Appendix A]. Rule 11 **does not apply** to conduct that occurred before litigation began.

Rule 11 is “not a panacea intended to remedy all manner of attorney misconduct occurring before or during the trial of civil cases ... Thus, no matter how improper [Mr. Goold’s] alleged conduct may have been, Rule 11 is an inappropriate vehicle for reviewing and disciplining such conduct.” *Adduono v. World Hockey Ass'n*, 824 F.2d 617, 621 (8th Cir. 1987)

This response is based on the attached memorandum and record and file herein.

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

Executed March 19, 2023, at Honolulu, Hawai’i.

/s/ Scott Goold
JEFFREY SCOTT GOOLD

PLAINTIFF-APPELLANT PRO SE

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

JEFFREY SCOTT GOOLD,	)	CAAP-22-0000406
	)	(APPEAL CIVIL NO. 1CCV-21-000216)
Plaintiff-Appellant,)	
	)	MEMORANDUM IN SUPPORT;
vs	)	MOTION FOR RECONSIDERATION
)	
HAWAIIAN ELECTRIC COMPANY, INC.;)	
HAWAIIAN ELECTRIC INDUSTRIES, INC.;)	
ELIZABETH DEAR; 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-Appellees)	
)	
)	
)	

MEMORANDUM IN SUPPORT; MOTION FOR RECONSIDERATION

Mr. Whattoff (“Whattoff”), partner Cox Fricke LLP, claims on behalf of Defendant-Appellee HECO that “there is no dispute that the present appeal should be dismissed [Dkt No. 104, 1]. Plaintiff-Appellant **disputes** the claim by Defendant-Appellee HECO.

Mr. Goold filed a Notice of Withdrawal Under Objection (“Notice of Withdrawal Under Objection”), on March 2, 2023, stating he was withdrawing his appeal under objection. Mr. Goold included Whattoff’s Motion for Sanctions Against Plaintiff Related to the Complaint filed February 25, 2021 (“Sanctions Motion”), which the Honorable ICA reviewed.

On March 3, 2023, the Clerk of the Court made a correction to the docket for Case Number CAAP-22-0000406, by changing docket entry 93 from Notice to Motion for _____ as a result of eFiling Correction [Dkt No. 97].

Later that day, Mr. Goold filed a Notice of Correction Request to Court Change of Document Filing Status seeking the change to be reversed [Dkt No. 98], stating:

“Please be advised that Mr. Goold intended the filing to be a Notice of Withdrawal Under Objection (“Withdrawal Notice”); not a Motion. Mr. Goold is uncomfortable attempting to navigate the complex legal environment of the Hawaii’s Intermediate Court of Appeals (“ICA”) without legal representation.” [*Id.* at 1]

Mr. Goold did not intend the pleading to be a motion; and contrary to the claims of Whattoff, Mr. Goold did not intend the pleading to be a motion to dismiss.

Mr. Goold claims Defendant-Appellee HECO weaponized their Rule 11 Sanctions Motion to deny Plaintiff-Appellant legal representation. Whattoff served Mr. Goold on behalf of Defendants-Appellees on April 6, 2021, and still claims intention to file the motion.

The Sanctions Motion alleges that Mr. Goold has “embarked on a **campaign of harassment** against Hawaiian Electric, its employees, and its parent company” [Dkt No. 93, Appendix A at 1] (emphasis mine). Rule 11 **does not apply** to conduct that occurred before litigation began.

Rule 11 is “not a panacea intended to remedy all manner of attorney misconduct occurring before or during the trial of civil cases ... Thus, no matter how improper Abrahams' [or Mr. Goold’s] alleged conduct may have been, Rule 11 is an inappropriate vehicle for reviewing and disciplining such conduct.” *Adduono v. World Hockey Ass'n*, 824 F.2d 617, 621 (8th Cir. 1987) (“*Adduono*”)

As precedent dictates, a party claiming harassment has the duty to file a motion for sanctions as soon as practicable after discovery of Rule 11 violation. *Divane v. Kroll Elec. Co.*, 200 F.3d 1020, 1027 (7th Cir 1999); *XCO Int'l, Inc. v. Pacific Scientific Co.*, No. 01-C-6851, 2003 U.S. Dist. LEXIS 7286 (N.D. Ill. Apr. 29, 2003).²

Defendant-Appellate HECO is about two years late. Mr. Goold believes Whattoff and Defendant-Appellate HECO are aware, or should have been aware, that the included documentary evidence is not permitted. They have defrauded Mr. Goold, and thus, refuse to file the motion.

In response, on February 8, 2023, Mr. Goold filed Plaintiff-Appellant Motion to Remand, Replace Judge and Compel Rule 11 Investigation (“Motion to Remand”) [Dkt No. 81]. Mr. Goold sought relief from the ICA to resolve the open Sanctions Motion, which would allow Mr. Goold an opportunity to secure competent representation.

Mr. Goold believed Plaintiff-Appellant’s Opening Brief was due March 2, 2023. As the ICA had neither granted nor denied the Motion to Remand, Mr. Goold filed the Notice of Withdrawal Under Objection.

Different from criminal cases, parties in a civil case are not guaranteed legal counsel. On the other hand, the ICA cannot require a self-represented party to prosecute an appeal pro se. Mr. Goold recognizes that he is **not competent** to proceed without representation.

² Parties agree *Isobe v. Sakatani*, 127 Hawai‘i 368, 378, 279 P.3d 33, 43 (Ct. App. 2012) (“[B]ecause HRC P 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.”).

Plaintiff-Appellant therefore withdrew the appeal under objection, as Defendants-Appellees' Sanctions Motion obstructs Mr. Goold's ability to obtain counsel, and such behavior is not an authorized deployment of Rule 11(b)1-4.

Plaintiff-Appellant claims Defendants-Appellees are harassing Mr. Goold by refusing to file the Sanctions Motion. The U.S. Court of Appeals, Eighth Circuit ruled in *Adduono* that conduct that occurred before litigation began does not apply to Rule 11 sanctions.

Defendant-Appellee HECO's Sanctions Motion is unlawful and frivolous, which Defendant-Appellee HECO cannot deny.

In *Adduono*, Abrahams signed neither a pleading, motion or any other paper that may be the basis of a Rule 11 sanction. The settlement agreement, signed by the parties and that was the basis for the stipulation of dismissal, was not submitted to the court nor reviewed by the court nor incorporated into the court's order of dismissal.

Mr. Goold, to the contrary, submitted Defendant-Appellee HECO's Sanctions Motion to the Honorable ICA; and the Honorable ICA reviewed the motion. The court created a legal conundrum, a Catch-22, denying Plaintiff-Appellant's Remand Motion and demanding Mr. Goold address the court pro se as a self-represented party — for the purpose of resolving the Sanctions Motion that obstructs Mr. Goold's ability to secure legal counsel.

Trapped in a legal paradox, Mr. Goold withdrew his appeal under objection.

On March 9, 2023, prior to a ruling regarding Plaintiff-Appellant's Motion to Remand, Whattoff emailed Mr. Goold requesting approval and his electronic /s/ signature allowing Defendant-Appellee HECO to file a Stipulation for Dismissal pursuant to Rule 42(b) of the Hawai'i Rules of Appellate Procedure [Dkt No. 104, 3].

For the third (3rd) time, Mr. Goold explained to Defendants-Appellees that he intended the Notice of Withdrawal Under Objection.

On March 15, 2023, approximately two weeks after Mr. Goold's Notice of Withdrawal Under Objection, Associate Judge Derrick H.M. Chan ("Judge"), for the ICA, denied Plaintiff-Appellant's Remand Motion.

"To the extent Goold asks the court to temporarily remand the matter for a hearing before a new judge, the requested relief is not authorized by HRCF Rule 11(c)(1)(B), and Goold presents no other authority to support the request, and the court finds none" [Dkt No. 102, 2]

Respectfully, Mr. Goold disagrees with the Honorable Judge. Rule 11(c)(B):

"On Court's Initiative. On its own initiative, the court may enter an order describing the specific conduct that appears to violate subdivision (b) of this Rule and directing an attorney, law firm, or party to show cause why it has not violated subdivision (b) of this Rule with respect thereto."

Honorable Judge does not cite any law, case precedent or local rule that limits the Court's initiative. **However, Rule 11 does not apply to conduct that occurred before litigation began.**

Honorable Judge can clearly determine that the allegations are time-barred, included in section, "B. Mr. Goold's Harassing and Threatening Behavior," "C. The HCRC Charge and the Instant Complaint," "IV. ARGUMENT, A. The Instant Litigation Is Part of Mr. Goold's Campaign to Harass Hawaiian Electric." [Dkt No. 93, Appendix A]

Exhibits 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 describe events or activities that occurred prior to filing of the instant action on February 25, 2021. Exhibit 13 was not filed with a court, but the Hawai'i Civil Rights Commission. Even if Mr. Goold's conduct was inappropriate, which it was not, Rule 11 does not apply to this evidence. [*Id.*]

Mr. Goold believes the legal brilliance of Honorable ICA judges could craft a reasonable solution to this conundrum, such as this proposal to “Remand temporarily, Recuse and Replace the judge and Compel resolution to the outstanding Rule 11 Sanctions Motion”:

(1) enter an order describing the specific conduct that appears to violate subdivision (b) of this Rule, i.e., “Rule 11 is an inappropriate vehicle for reviewing and disciplining such conduct.” *Adduono v. World Hockey Ass’n*, 824 F.2d 617, 621 (8th Cir. 1987) and thus possible harassment;

(2) remand the case temporarily, as directed by the court [Dkt No. 93], and require the attorney, law firm or party to show cause why it has not violated subdivision (b) of this Rule. Defendants-Appellees served Mr. Goold during the circuit court review, and the lower court is the appropriate venue for cause to be shown. The ICA should retain judicial review over the proceedings;

(3) as Plaintiff-Appellant appealed the decision of the lower court judge, there is an undeniable conflict of interest allowing same judge to review cause of Defendants-Appellees’ action. The initial circuit court judge should recuse himself, and be replaced with Specially Appointed circuit court magistrate as warranted and reasonable.

I. Erroneous Application of HRAP Rule 42(b)

Whattoff stated in his emailed memo to Mr. Goold on March 9, 2023, “In light of your Notice of Withdrawal Under Objection, I believe it is correct for us to file a Stipulation for Dismissal pursuant to Rule 42(b) of the Hawaii Rules of Appellate Procedure” (“HRAP”).

Plaintiff-Appellant believes Whattoff made an error of law. Whattoff cited:

State v. Stevens-Nahiwa, No. CAAP-14-0000777, 2014 WL 4976077, at *1 (Haw. Ct. App. Oct. 3, 2014) (dismissing appeal for failure to file opening brief and jurisdictional statement); *Murauskas v. Dep’t of Pub. Safety*, No. CAAP-13-0003980, 2014 WL 4284236, at *1 (Haw. Ct. App. Aug. 28, 2014) (dismissing appeal for failure to file opening brief); *Tavares v. State*, No. 28030, 2007 WL 757681, at *1 (Haw. Ct. App. Mar. 12, 2007) (dismissing appeal for failure to file opening brief); *Love v. State*, No. 25808, 2004 WL 346391, at *1 (Haw. Feb. 18, 2004) (dismissing appeal for failure to file opening brief).

Reviewing all four (4) cases of dismissal, two actions are common to all: (1) court (or clerk) informed Appellant that the time to file documents had expired; and (2) Appellant did not timely file an opening brief or appropriate dismissal.

State v. Stevens-Nahiwa: “the appellate clerk informed Appellant that the time to file the documents had expired, and pursuant to HRAP Rule 30, the matter would be called to the court’s attention ... for such action as the court deemed proper, which could include dismissal.”

Murauskas: “the appellate clerk informed Appellant that the time for filing the statement of jurisdiction and the opening brief had expired, and that the appeal may be dismissed.”

Tavares: “Upon review of the record, it appears: (1) on ... this court directed Petitioner-Appellant ... to file the opening brief of an appropriate dismissal within thirty days and that failure to comply with the order would result in dismissal of the appeal.”

Love: “Upon review of the record, it appears that this court informed Appellant that the time for filing the opening brief expired on ... and ordered Appellant to either file the opening brief or file an appropriate dismissal of the appeal within 30 days from the date of the order.”

Recapping the timeline in this matter, Mr. Goold filed a Notice of Withdrawal Under Objection on March 2, 2023. Honorable Judge denied Plaintiff-Appellant’s motions on March 15, 2023. Neither Honorable Judge nor clerk notified Mr. Goold of an expiration of time to file the opening brief. Neither Honorable Judge nor clerk warned Mr. Goold of a potential dismissal of appeal if Plaintiff-Appellant failed to file an opening brief or appropriate dismissal.

However, Whattoff sought stipulation from Mr. Goold on March 9, 2023 — *jumping the gun*. Egregiously and further example of legal harassment, Whattoff filed Defendant-Appellee HECO Motion to Dismiss on March 17, 2023.

The motion clearly violates established precedent and protocol in the cases that Whattoff cited, which violates Hawai'i Rules of Professional Conduct Rule 3.3(1) making a false statement of material fact or law to a tribunal; HRCP Rule 60(b)(1) making a mistake; and HRCP Rule 60(b)(3) making a misrepresentation.

II. **Ridicule, Disparagement and Bad Faith**

Whattoff ridiculed Mr. Goold for not accepting or negotiating the inappropriate stipulation; and disparaged Mr. Goold in numerous unprofessional statements.

A. “There is no dispute that the present appeal should be dismissed—just some confusion about how the dismissal should be accomplished.” [Dkt No. 104, 1]

FALSE. There is dispute. Whattoff may be confused. Mr. Goold is not.

B. [Plaintiff] “declined to sign the stipulation on the ground that he believed his Notice of Withdrawal was sufficient by itself to end the appeal.” [*Id.* at 2]

FALSE. Mr. Goold did not intend to end the appeal, but (1) appeal the ICA's refusal to respond to the Motion to Remand, and (2) appeal a denial of the Motion to Remand, if needed.

C. “On December 12, 2022, this Court issued an order noting that Plaintiff had filed his notice of appeal before the Circuit Court entered a final judgment. [*Id.* at 3]

FALSE. MISREPRESENTATION. DECEPTIVE. The ICA stated, “the circuit court has not entered a final, appealable order or judgment.” [Dkt No. 67, 2 at (2)]

Whattoff was responsible to provide the final order. Whattoff is expected to be competent. While Mr. Goold admits to being **not competent** in professional legal matters, Whattoff demonstrated **incompetence** in the performance of his professional duties.

Mr. Whattoff's error, mistake or legal failure caused unnecessary delay, needlessly increased costs of litigation, wasted the valuable time of the Honorable ICA and Hawaii's judicial system, and all of Mr. Goold's pleadings were rendered moot by the court.

Suggesting Mr. Goold filed early is inaccurate, deceptive and outrageous. On June 15, 2022, Mr. Goold filed a First Amended Ex Parte Motion to Enlarge Time to Appeal Findings of Fact, Conclusions of Law and Order [SFRoA Dkt No. 136].³ Mr. Goold requested an additional 30 days.

Whattoff responded in opposition to hurry and speed up the process, "The Motion should therefore be denied, as Plaintiff has had ample time to decide whether to hire counsel and has failed to show good cause for an extension [SFRoA, Dkt No. 140, 3]. Whattoff did not request Mr. Goold wait until the court entered a final judgment. He did the opposite.

When Mr. Goold filed the Statement of Jurisdiction on September 6, 2022 [Dkt No. 14], Whattoff did not object to the lack of an appropriate final judgment.

Whattoff instead notified Mr. Goold that Plaintiff-Appellant had included incorrect copies of the lower court orders. Mr. Goold filed an First Amended Statement of Jurisdiction on September 7, 2022 [Dkt No. 18]. Whattoff did not object; Whattoff approved.

Whattoff claimed falsely before the Honorable ICA, spoke inaccurately and misrepresented factual history in this matter. Whattoff behaved deceptively and violated good faith.

Whattoff stated, "I do declare under penalty of law that the foregoing is true and correct. Executed this 17th day of March 2023, at Honolulu, Hawai'i." **Whattoff violated the law.**

³ SFRoA = Supplemental First Record of Appeal

D. “Plaintiff responded the next day, stating that he declined to sign the stipulation because he believed his Notice of Withdrawal was sufficient to end his appeal.” [*Id.* at 4]

FALSE. Mr. Goold has been forthright and consistent. Plaintiff-Appellant does not wish to end his appeal. Mr. Goold seeks to end the harassment caused by Defendants-Appellees Sanctions Motion that obstructs his ability to secure legal representation.

E. “Plaintiff contends that he is permitted to withdraw his appeal at any time before filing his Opening Brief, but this position is contradicted by the language of HRAP Rule 42(b).” [*Id.* at 4]

Mr. Goold believes one is permitted by legal precedent to withdraw an appeal prior to filing an opening brief. However, Mr. Goold does not seek to dismiss the appeal per HRAP Rule 42(b), but motivate a resolution to the served, but non-filed and open Sanctions Motion.

F. “Plaintiff had effectively been provided 149 days of extension.” [*Id.* at 3]

IRRELEVANT. Plaintiff-Appellant could be provided 1,000 days. Yet such extension would not make Mr. Goold a competent attorney. Mr. Goold is seeking competent legal counsel so this appeal can move forward competently.

G. “Rather than submitting his Opening Brief (1) Plaintiff launched an extensive new website at www.HECOGate.com, which makes accusations against Hawaiian Electric and its officers and employees ...” [*Id.* at 3]

IRRELEVANT. Launching extensive and complex websites is what Mr. Goold does professionally. Mr. Goold could repair and fix the JEFS system for the Honorable ICA. However, Mr. Goold is not an attorney. Providing analysis of business and political activities is what Mr. Goold does professionally. Acting as a self-represented party pro se is not what Mr. Goold does professionally.

Mr. Goold has used the time provided by the Honorable ICA to search for legal counsel and continue researching issues related to this action. With the Specter of Rule 11 Sanctions Motion over his head, Mr. Goold has been unable to accomplish the goal of securing counsel, but discovered that Defendants-Appellees violated protocols and precedent of Rule 11, including exposing their false claim before the circuit court that they were barred from filing the motion.

Mr. Goold became a stockholder of Hawaiian Electric Industries, Inc. (HE) around 2009. He regularly applauds or criticizes management or policy to protect his investment. As a ratepayer, Mr. Goold applauds or criticizes management or policy, as HECO has the highest electricity rates in the nation, has inefficient and wasteful personnel policies, and Mr. Goold works to ensure this public-regulated utility is accountable to residents.

H. Rather than submitting his Opening Brief ... (2) [Plaintiff] served a lengthy Motion to Remand, Replace Judge and Compel Rule 11 Investigation.

To reiterate, acting as a self-represented party pro se is not what Mr. Goold does professionally. Defendants-Appellees Sanctions Motion prevents Mr. Goold from securing competent legal counsel. Denying Mr. Goold access to legal guidance is neither ethical nor in good faith. Without question, the behavior is part of the “Deep Moral Crisis” in Hawai’i. Mr. Goold used the available time wisely and reasonably to the best of his ability.

III. Prayer For Relief

Plaintiff-Appellant requests Honorable ICA hold accountable Defendant-Appellee HECO, attorney Whattoff and law firm Cox Fricke LLP. Collectively, Defendants-Appellees were aware, or should have been aware, the conditions, precedence and protocols of the four (4) cited cases (*State v. Stevens-Nahiwa*, *Murauskas*, *Tavares* and *Love*) relative to HRAP Rule 42(b).

Mr. Goold sought withdrawal under objection, not dismissal. Plaintiff-Appellant explained his position at least three (3) times. Defendant-Appellee HECO's Motion to Dismiss appears designed to harass, caused unnecessary delay and needlessly increases cost of litigation.

This action violates Rule 11(b)(1). The claims, defenses and other legal contentions are not warranted by existing law, in violation of Rule 11(b)(2), and the allegations and other factual contentions do not have evidentiary support, also in violation of Rule 11(b)(3).

As Mr. Goold is a self-represented party acting pro se, initiating a motion for sanctions is beyond his professional capacity. Plaintiff-Appellant therefore requests the Honorable ICA, on its own initiative per Rule 11(c)(1)(B), demand the attorney, law firm and parties to "show cause why it has not violated subdivision (b) of this Rule 11 with respect thereto."

Defendant-Appellee HECO's Motion to Dismiss violates established precedent and protocol from cases cited by Whattoff himself, which violates Hawai'i Rules of Professional Conduct ("HRPCond") Rule 3.3(1) making a false statement of material fact or law to a tribunal; HRCF Rule 60(b)(1) making a mistake; and HRCF Rule 60(b)(3) making a misrepresentation.

IV. Motion for Reconsideration

Pursuant to HRAP Rule 40, within 10 days after the filing of a dispositional order [Dkt No. 102], on March 15, 2023, Plaintiff-Appellant moves the Honorable ICA to reconsider the denial of Mr. Goold's Motion to Remand in light of the alleged violations of Rule 11(b), *Adduono*, HRPCond Rule 3.3(1), HRCF Rule 60(b)(1) and Rule 60(b)(3), and the included proposal describing how to legally Remand temporarily, Recuse and Replace the judge and Compel resolution to the outstanding Rule 11 Sanctions Motion.

As no response to a motion for reconsideration is permitted under HRAP Rule 40(c), Mr. Goold includes the reconsideration request at this time for purposes of efficiency and reducing the burden on the Honorable ICA.

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

Executed March 19, 2023, at Honolulu, Hawai'i.

/s/ Scott Goold
JEFFREY SCOTT GOOLD

PLAINTIFF-APPELLANT PRO SE

JEFFREY SCOTT GOOLD

[REDACTED]
Honolulu, Hawai'i 96815
[REDACTED]
[REDACTED]

Plaintiff-Appellant

**IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII**

JEFFREY SCOTT GOOLD,	)	CAAP-22-0000406
	)	(APPEAL CIVIL NO. 1CCV-21-000216)
Plaintiff-Appellant,)	
	)	CERTIFICATE OF SERVICE
vs.)	
)	
HAWAIIAN ELECTRIC COMPANY, INC.;	)	(RE: RESPONSE OPPOSING
HAWAIIAN ELECTRIC INDUSTRIES, INC.;	)	MOTION TO DISMISS; MOTION TO
ELIZABETH DEAR; SHANA M. BUCO;	)	RECONSIDER)
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,)	
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Defendants-Appellees.)	
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on 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, March 19, 2023.

/s/ Scott Goold
 JEFFREY SCOTT GOOLD

PLAINTIFF-APPELLANT PRO SE