

JEFFREY SCOTT GOOLD

Honolulu, Hawai'i 96815

**Electronically Filed
Intermediate Court of Appeals
CAAP-22-0000406
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Dkt. 115 MER**

**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 POSITION STATEMENT
vs)	REGARDING ORDER GRANTING
)	MOTION TO DISMISS [DKT NO 113];
)	CERTIFICATE OF SERVICE
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)	
)	
)	

**PLAINTIFF POSITION STATEMENT REGARDING ORDER GRANTING MOTION
TO DISMISS [DKT NO. 113]**

TO: HONORABLE Katherine G. Leonard, Presiding Judge
HONORABLE Sonja M.P. McCullen, Associate Judge
HONORABLE Derrick H.M. Chan, Associate Judge

Your efforts were tainted being forced to state “NOT FOR PUBLICATION IN WEST’S HAWA’I REPORTS AND PACIFIC REPORTER.” It is clear the Honorable Judges are not proud and respectful of their own ruling. The Honorable Judges do not want this case to set precedent.

However, Plaintiff-Appellant Jeffrey Scott Goold (“Mr. Goold or “Plaintiff”) did not follow the law, pursuant to Hawai’i Rules of Appellate Procedure (“HRAP”) Rule 42(b):

(b) Dismissal in the appellate courts. If the parties to a docketed appeal or other proceeding sign and file a stipulation for dismissal, specifying the terms as to payment of costs, and pay whatever fees are due, the case shall be dismissed upon approval by the appellate court, but no mandate or other process shall issue without an order of the court. Upon motion and notice, the appellate court may dismiss the appeal upon terms fixed by the appellate court.

The Honorable ICA claimed:

- (1) The appeal has been docketed; **TRUE**
- (2) Goold seeks to abandon his appeal; **FALSE**
- (3) All appearing parties agree to a dismissal; **FALSE**
- (4) Dismissal of the appeal is authorized by HRAP Rule 42(b). **FALSE**

I. Brief History

1. Mr. Goold filed an instant action against Hawaiian Electric Company, Inc. (“HECO”) et al, on February 25, 2021.
2. HECO served Plaintiff with a Rule 11 motion for sanctions (“Sanctions Motion”) on April 6, 2021. Plaintiff immediately demanded HECO file their Sanctions Motion. HECO refused.
3. Plaintiff has claimed for about two years that the Sanctions Motion obstructs Mr. Goold’s ability to retain counsel. Plaintiff proceeded pro se.

4. Plaintiff appealed the circuit court ruling on about June 22, 2022 [Dkt No. 1].
5. Plaintiff sought relief from the Specter of the Sanctions Motion on about November 7, 2022 [Dkt No. 37].
6. Due to injury and pending surgery, Plaintiff sought ADA Medical Extension on about November 28, 2022 [Dkt No. 51].
7. On December 2, 2022, the deadline for Plaintiff to submit Mr. Goold's opening brief, Plaintiff filed a Notice of Withdrawal [Dkt No. 63], and officially reported violation of the Hawai'i and federal Americans with Disabilities Act by the Intermediate Court of Appeals in their callous treatment of disabled Mr. Goold.
7. On December 12, 2022, the Honorable ICA determined that Defendant HECO failed to provide a proper final and appealable order or judgment and remanded the case to the lower court [Dkt No. 67]. The appellate process restarted.
8. On February 8, 2023, Plaintiff filed a second motion to remand ("Remand Motion") to resolve the Specter of the Sanctions Motion [Dkt No. 81].
9. On March 2, 2023, Plaintiff filed a second Notice of Withdrawal, as Plaintiff's opening brief was due — yet under objection. The Honorable ICA had not responded to the numerous motions, and Mr. Goold was not confident moving forward without legal counsel.
10. On March 3, 2023, the clerk of court modified Plaintiff's notice to a motion [Dkt No. 97].
11. On March 3, 2023, Plaintiff responding expressing Mr. Goold's **INTENT** to file a notice, not motion.

12. On March 12, 2023, the Honorable ICA denied Plaintiff's Remand Motion [Dkt No. 102].

13. On March 17, 2023, Defendant HECO filed a motion to dismiss [Dkt No. 104].

14. On March 19, 2023, Plaintiff filed a timely opposition response to HECO's motion to dismiss, and included a timely motion to reconsider the Honorable ICA's denial of the second Remand Motion [Dkt No. 106]. Plaintiff demonstrated conclusively that Defendant HECO was in violation of Rule 11 protocols.

II. Legal Issues

Plaintiff did not follow local rule HRAP 42(b) to properly dismiss the appeal, as Defendant HECO was violating Rule 11 protocols and obstructing Mr. Goold's ability to obtain legal counsel.

Plaintiff stated repeatedly that Mr. Goold did not wish to withdraw the appeal, dismiss the appeal or abandon the appeal. Plaintiff sought help from the Honorable ICA to resolve the outstanding and unlawful Specter of Sanctions Motion.

The Honorable ICA is aware that Defendant HECO has been, and currently is, violating Rule 11 protocols. The Honorable ICA is aware that Plaintiff's claim is reasonable that the Specter of the Sanctions Motion obstructs Mr. Goold's ability to obtain legal representation.

Violating protocols of Rule 11 is a serious legal infraction.

The Honorable ICA refused to hold Defendant HECO accountable for their misuse of Rule 11 and inappropriate legal behavior.

Numerous legal experts have determined that the professional community in Hawai'i suffers a cancer of "Deep Moral Crisis."

The Honorable ICA, faced with following the law in this appeal and standing in opposition to powerful, prestigious Hawaiian Electric, choose to manufacture a legal argument to dismiss the challenge. However, the Honorable ICA is embarrassed to publish the ruling.

Plaintiff **did not** seek to abandon his appeal; all parties did **not agree** to a dismissal; dismissal of the appeal therefore **is not** authorized by HRAP 42(b).

The Honorable ICA memorializes that, “Goold states that he does not wish to dismiss the appeal, but rather, to give notice that he ‘withdraws’ it under objection” [Dkt No. 113 at 1].

The Honorable ICA memorialized that, “there is no rule in the HRAP permitting an appellant to unilaterally withdraw an appeal by giving notice, or to move to dismiss an appeal ‘under objection’” [*Id.*]

The Honorable ICA **stated falsely**, “Indeed, Goold seeks—in substance—to abandon his appeal” [*Id.*].

Mr. Good sought — repeatedly — in substance — to resolve Defendant HECO’s unlawful Specter of the Sanctions Motion pending over this action.

The Honorable ICA memorialized that “it is the substance of a motion that should control rather than the title,” citing *Khaleghi v. Indymac Ventures, LLC*, No. CAAP-15-0000486, 2016 WL 4268709, at *4 (App. Aug. 11, 2016) (Mem.).

Plaintiff has never wavered about the substance of Mr. Goold motions, statements or actions. Mr. Goold sought solely to resolve the unlawful Specter of the Sanctions Motion pending over this action, which would allow Mr. Goold to secure competent counsel.

Plaintiff finds the Honorable ICA decision to be disappointing. Participating with a community group today, panelists noted the frustration, loss of hope and distress in younger generations. They do not believe in the systems that guide and govern their lives.

Plaintiff believes the associate judges seated with the Honorable ICA are finely educated and competent individuals. This ruling does disservice to their legacy and the reputation of Hawaii's judicial system.

People in Hawai'i do not believe in and trust their representative government. Nationally, the loss of faith in government legitimacy will haunt all of us as we approach Election 2024.

Democracy is not promised. Our constitutional Republic is not guaranteed. The glue that binds us together is law — not blood, family name or ethnic background.

The Honorable ICA appears so embarrassed by this legal ruling that they disallow publication in West's Hawai'i Reports and Pacific Reporter. *Quelle horreur!*

The glue is dissolving in Hawai'i and throughout our nation. Our illustrious beacon of light and hope for the world shines more dimly each day. Is the price to protect the vile behavior of Defendant HECO worth further destruction our 'ohana? Plaintiff is not an attorney. Mr. Goold's speciality is strengthening democracy. You have been warned.

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

Executed March 31, 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

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Defendants-Appellees.

) CAAP-22-0000406

) (APPEAL CIVIL NO. 1CCV-21-000216)

) CERTIFICATE OF SERVICE

) (RE: POSITION STATEMENT RE
) GRANTING MOTION TO DISMISS)

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 31, 2023.

/s/ Scott Goold
 JEFFREY SCOTT GOOLD

PLAINTIFF-APPELLANT PRO SE