

Institutions) and Hawaii Revised Statute §480-2(a) (regarding unfair and deceptive trade practices).

2. This is an action brought by Plaintiff pursuant to Hawaii Rev. Stat. Chapters 446E, 480 and 487 seeking to enjoin the Defendants from engaging in certain acts or practices in violation of Hawaii's consumer protection laws and to obtain other and additional relief.

3. This court has subject matter jurisdiction over this case pursuant to Hawaii Rev. Stat. §§ 480-21 and 603-21.5.

4. Defendant IOND University ("IOND") was incorporated in the State of Hawaii as a domestic non-profit corporation on April 12, 1999. On November 6, 2002, IOND changed its name to Diamond Head University. On December 12, 2002, it changed its name to Hawaii IOND University. On March 14, 2003, it changed its name back to the original IOND University.

5. A few months after IOND was incorporated, significant amendments to Hawaii Revised Statutes Chapter 446E regarding unaccredited degree granting institutions were made effective after the Hawaii legislature found that "The proliferation of "diploma mills" in this State is harmful to consumers and to all legitimate educational institutions" and that "the number of unaccredited degree granting institutions operating under Hawaii's lenient laws continue to increase."

6. IOND has failed to file its required annual corporate reports with the Business Registration Division of the State of Hawaii and is currently "Not in Good Standing."

7. In January 2000, IOND applied to the Department of the Treasury of

the Internal Revenue Service for recognition as a tax-exempt entity under Section 501(c)(3) of the Internal Revenue Code. In its application, IOND identified its sources of financial support as “Tuition and Doctoral Degrees.” It also stated that recipients of its services will be required to pay for them and explained that “Charges are based on the number of credits, recognition of other university’s credits, and a base tuition” and directed the IRS to the tuition schedule attached to the application. Because these statements were made under the penalty of perjury, it is reasonable to assume they are true and accurate. Based on the application and the statements made therein, IOND was granted 501(c)(3) status.

8. Also in January 2000, IOND applied to the Department of Taxation of the State of Hawaii for exemption from the payment of the state’s general excise tax. This application also described IOND’s source of income as “Tuition Fees.” Because this statement was made under the penalty of a Class C felony, it is reasonable to assume that it is also true and accurate. Based on the application and the statements made therein, IOND was granted state tax exempt status.

9. Defendant Ikuo Nakano (“Nakano”) is, upon information and belief, a citizen of the country of Japan.

10. Defendant IOND is not now and never has been accredited by a recognized accrediting agency or association recognized by the United States Secretary of Education.

11. Although Defendant IOND has maintained that it is a separate legal entity from its counterpart in Japan, it shares the same name, same logo, same seal, same website, same catalogs, same faculty, same ownership and management and same diploma form. In fact, Defendant Nakano was responsible in 2003 for changing the name of the entity from Hawaii IOND University to simply IOND University.

12. Neither Defendant IOND nor its Japanese counterpart, if it exists, are authorized under the laws of Japan to issue post-secondary degrees and the Japanese Ministry of Education, Culture, Sports, Science and Technology does not approve of its operations.

13. Defendant IOND has a “presence” in the State of Hawaii as that term is used in Haw. Rev. Stat. §446E-1.

IOND UNIVERSITY OPERATIONS

14. Beginning as early as April 8, 2000, Defendant IOND created and uploaded to the internet a website located at <http://www.iond-univ.org>.

15. Plaintiff first became aware of IOND in July 2001. On July 9, 2001 Plaintiff downloaded IOND’s website. In the website, IOND touted its “Cheap tuition and fees,” its “Fast track to graduate,” and “Individual Tutoring through to graduation.” It noted that it is an “international correspondence university based in Hawaii (U.S.A.) and Tokyo (Japan).” After listing the Associate’s, Bachelor’s and Master’s courses available, the website listed the degrees available as A.A., B.A., B.S., M.A., M.S., M.B.A. and Ph.D. These degrees were listed as being offered separately from the Honorary Doctoral Degrees also available from IOND. The website also listed IOND’s faculty, at least ten of which are shown as holding degrees from IOND itself. The

website also contained a FAQ section answering the questions, “How do students apply for degrees and how are they awarded?” and “Can students pay their tuition and fees in installments?” The website also directed tuition payments to a bank in Tokyo and the actual amount of the various tuition and fees was set forth in detail. Thus, it reasonably appeared to Plaintiff from the website that IOND indeed was acting as an unaccredited university.

16. On July 12, 2001, Plaintiff wrote IOND asking that it answer a series of standard questions and that it provide Plaintiff with certain documents. The starting point of the questionnaire sent to IOND was intended to determine whether IOND was an unaccredited institution subject to Chapter 446E and, if so, whether it might be exempt pursuant to one of the statute’s enumerated exemptions.

17. On July 31, 2001, IOND’s then-legal counsel, Donald Hidani responded to Plaintiff’s inquiry. His cover letter explained “As stated in your letter and further revealed by IOND’s response to the General Questionnaire, IOND indeed falls within the purview of Chapter 446E of the HRS”. The cover letter went on to describe IOND’s efforts to maintain a registered agent, an office and a Hawaii employee as required by Chapter 446E and stated “IOND intends, in good faith, to fully comply with Chapter 446E of the HRS by July 1, 2002.” This information was provided by IOND to Plaintiff in the course of an official government investigation and IOND knew or should have known that Plaintiff would rely upon the truthfulness of the information. Plaintiff, in fact, reasonably relied upon this information because a false submission would constitute the misdemeanor offense of unsworn falsification to authorities under Hawaii Rev. Stat. § 710-1063, a fact pointed out to IOND prior to its submission of the response.

18. In addition to the cover letter from attorney Hidani, IOND's actual response to the questionnaire indicated that IOND provided post-secondary courses leading to a degree and that it charged a fee for its services. Moreover, IOND checked the box marked "no" and marked the next question about any specific applicable statutory exemption as "not applicable" when asked whether it was claiming to be exempt from Chapter 446E. This information was provided by IOND to Plaintiff in the course of an official government investigation and IOND knew or should have known that Plaintiff would rely upon the truthfulness of the information. Plaintiff, in fact, reasonably relied upon this information because a false submission would constitute the misdemeanor offense of unsworn falsification to authorities under Hawaii Rev. Stat. § 710-1063, a fact pointed out to IOND prior to its submission of the response.

19. In addition, the IOND response provided a copy of its printed catalog which touted "Cheap tuition and fees," "Fast track to graduate," Individual Tutoring through to graduation," and "Shortest time for graduation is 2 months." It noted as the Second Motto of IOND University that "We issue degrees to students according to their level of achievement of their learning paradigm. IOND University offers Bachelor, Master and Doctorate (PhD) degrees." Like the website, the printed catalog lists the degrees offered, the faculty members (many of whom also list IOND degrees), the way students apply for degrees, the tuition and fees and the various courses. The catalog also shows photographs of what appear to be graduation ceremonies under a banner carrying the Hawaii state flag. Photographs of the degrees offered were also shown in the catalog. Plaintiff, in fact, reasonably relied upon this information because a false submission would constitute the misdemeanor offense of unsworn falsification to

authorities under Hawaii Rev. Stat. § 710-1063, a fact pointed out to IOND prior to its submission of the response.

20. In addition, in its response, IOND provided copies of its Evaluation and Admission Application form in both English and Japanese in which the applicant is specifically asked to list his “degree program interest.” Plaintiff, in fact, reasonably relied upon this information because a false submission would constitute the misdemeanor offense of unsworn falsification to authorities under Hawaii Rev. Stat. § 710-1063, a fact pointed out to IOND prior to its submission of the response.

21. Based on the responses received and accompanying materials from IOND, Plaintiff concluded that (1) IOND was subject to the requirements of Chap. 446E and (2) that it was not in compliance with various provisions of Chapter 446E. Plaintiff informed IOND’s original legal counsel of its problems by letter dated September 7, 2001.

22. Shortly thereafter, IOND changed its legal counsel.

23. On or about April 1, 2000 IOND conferred an Honorary Degree of Psychology on Waldemar Kippes. The diploma was issued under the purported authority of Donald R. Hidani, Chair, Trustees. Mr. Hidani was not, in fact, a member of the board of trustees, much less its chair and his name was used without his permission.

24. On November 26, 2001, IOND’s new legal counsel, Jeffrey S. Piper, Esq. responded in writing to Plaintiff’s concerns. The response, at some length, explained the changes IOND had made to its promotional materials and operations in order to bring it in compliance with Chapter 446E.

25. In April 2002, the investigation was closed due to Plaintiff having been satisfied that IOND was aware of the requirements of Hawaii law.

26. Hawaii Rev. Stat. §446E-5(d) prohibits unaccredited institutions from issuing degrees unless they have at least one employee who resides in Hawaii. In order to superficially meet this requirement, Defendant Nakano on behalf of IOND hired Claudette Kanae, who, at the time, was working as a full-time bartender and had never worked for any university prior to her employment with IOND. When asked what she did at work, Ms. Kanae replied “nothing,” that she just checked the mail, most of it junk mail and faxed it to Japan. During periods of Ms. Kanae’s unavailability, her boyfriend, Arnold Garcia assumed these “duties.” IOND had no other Hawaii employees, faculty or staff.

27. Hawaii Rev. Stat. §446E-5(d) prohibits unaccredited institutions from issuing degrees unless they have twenty-five enrolled students in Hawaii in each academic year of its operations for the purpose of performing course requirements that are part of the student’s educational curriculum. In order to superficially meet this requirement, Defendant Nakano on behalf of IOND requested Ms. Kanae find twenty-five students and even promised a commission for every student above that number. Ms. Kanae located twenty-five family members and friends. After Ms. Kanae provided IOND with the names and addresses of these people, IOND sent them a booklet and issued them a student I.D. card certifying them as students of the university. These “students” were charged no tuition, were never enrolled in any courses, never attended any classes, never wrote any reports or papers or did any educational work.

28. In fact, IOND had no faculty, no classrooms, no laboratories, no library, no teachers, no students in Hawaii and performed no educational services or activities in the state.

29. At no time from 2001 through 2007 did IOND claim that it was not a degree granting institution because it did not issue degrees or accept payments. Nor did it ever claim to be exempt from the application of Chap. 446E. To the contrary, its website, which was updated dozens of times, and its written catalogs all clearly indicated that it did offer degrees for a fee and that it was subject to the requirements of Chap. 446E.

30. IOND's Hawaii website, as it existed on February 2007, began with a message from the President, James T. Shimizu and referenced the "Total fees to graduation: about \$4000(u.s.)," the "fast track to graduate," and the "Individual Tutoring through to graduation". The Second Motto of IOND noted that "We issue degrees to students according to their level of achievement of their learning paradigm. IOND University offers Bachelor, Master and Doctorate (Ph.D.) degrees." In the section offering full scholarships to residents of Hawaii, the website asked "Is any degree available? Yes. For each of the studies listed in the next page, the relevant academic degree (B.A., M.A., Ph.D.) will be granted." Later the website explained how credits from other universities or life experience can count towards graduation and how students can apply for degrees. The website also included a photo of the building in which IOND Hawaii is located (although the website failed to mention IOND actually leases only one small office within the building and that office was essentially closed). A May 31, 2007 version of the website was substantially identical.

31. Defendant IOND is either a “degree granting institution” as that phrase is defined in Hawaii Rev. Stat. §446E-1 or should be estopped from asserting otherwise based on its representations to Plaintiff and to the public in its website and catalogs.

32. Despite currently claiming that IOND has never issued any degrees, its website has listed, and continues to date, to list dozens and dozens of faculty members holding IOND degrees, only a very small fraction of which are identified as being “honorary.” These degrees must have been issued by IOND Hawaii since IOND Japan is not authorized by the Japanese government to issue them. Moreover, one Honorary degree issued by IOND and examined by Plaintiff is signed by George Morishita, the then-president of IOND’s Hawaii corporation and carries the IOND seal stamped both Tokyo and Hawaii. The other IOND degree Plaintiff has obtained is issued under the authority of Donald R. Hidani, IOND’s Hawaii attorney, who has testified he had no knowledge of or any involvement with any Japanese corporation.

**CAUSES OF ACTION PREDICATED
ON IOND UNIVERSITY BEING SUBJECT TO CHAPTER 446E**

**COUNT I
FAILURE TO PRODUCE RECORDS AND INFORMATION**

33. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 32 as though fully set forth herein.

34. IOND failed to provide records and information upon Plaintiff’s request in violation of Hawaii Rev. Stat. §446E-2(c).

35. Violations of Hawaii Rev. Stat. §446E-2(c) constitute *per se* violations of Hawaii Rev. Stat. §480-2(a).

COUNT II
FAILURE TO PROPERLY MAKE STATUTORY DISCLOSURES

36. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 35 as though fully set forth herein.

37. IOND has failed to properly and adequately disclose in its catalogs, promotional material and/or contracts for instruction of the fact that it is not accredited by an accrediting agency recognized by the United States Secretary of Education in violation of Hawaii Rev. Stat. §446E-2(a).

38. The publication of each and every catalog and promotional material and the execution of each contract for instruction that failed to properly and adequately disclose the fact that IOND is and was not accredited by an accrediting agency recognized by the United States Secretary of Education constitutes a separate and independent violation of Hawaii Rev. Stat. §446E-2(a).

39. Alternatively, the provision to each student of such a catalog or promotional material or the execution of a contract for instruction that failed to properly and adequately disclose the fact that IOND is and was not accredited by an accrediting agency recognized by the United States Secretary of Education constitutes a separate and independent violation of Hawaii Rev. Stat. §446E-2(a).

40. Violations of Hawaii Rev. Stat. §446E-2(a) constitute *per se* violations of Hawaii Rev. Stat. §480-2(a).

COUNT III
FAILURE TO HAVE TWENTY-FIVE HAWAII STUDENTS

41. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 40 as though fully set forth herein.

42. IOND has never had the twenty-five students required by Hawaii Rev. Stat. §446E-5(d) and, therefore, has never been authorized by Hawaii law to issue any degrees.

43. Any degrees issued by IOND are, therefore, illegitimate and invalid.

COUNT IV
FAILURE TO HAVE A REGISTERED AGENT

44. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 43 as though fully set forth herein.

45. From May 28, 2003 through June 30, 2006, in its filings with the Business Registration Division of the State of Hawaii, IOND has identified Defendant Nakano as its registered agent at the address of 140 Liliuokalani Avenue, Suite 107, Honolulu, HI 96815.

46. Mr. Nakano is a resident of Japan and could not be found at that address.

47. Failure to have a legitimate registered agent for service of process is a violation of Hawaii Rev. Stat. §446E-4(a).

48. Violations of Hawaii Rev. Stat. §446E-4(a) constitute *per se* violations of Hawaii Rev. Stat. §480-2(a).

49. Each day from May 28, 2003 through June 30, 2006 is a separate and distinct violation of Hawaii Rev. Stat. §480-2(a).

COUNT V
FAILURE TO HAVE AN OFFICE

50. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 49 as though fully set forth herein.

51. IOND'S office has been closed since November 2006.

52. Independent of the reasons set forth above, IOND has not been authorized since November 2006 by Hawaii law to issue any degrees.

53. Any degrees issued by IOND after that date are, therefore, illegitimate and invalid.

COUNT VI
FAILURE TO HAVE AN EMPLOYEE

54. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 53 as though fully set forth herein.

55. IOND has not had an employee in Hawaii since November 2006.

56. Independent of the reasons set forth above, IOND has not been authorized since November 2006 by Hawaii law to issue any degrees.

57. Any degrees issued by IOND after that date are, therefore, illegitimate and invalid.

ALTERNATIVE CAUSES OF ACTION PREDICATED
ON IOND UNIVERSITY NOT BEING SUBJECT TO CHAPTER 446E

COUNT VII
MISLEADING AND DECEPTIVE
REPRESENTATIONS: FILING FALSE DOCUMENTS

58. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 57 as though fully set forth herein.

59. On at least four separate occasions, IOND filed a document with the Business Registration Division of the State of Hawaii identifying Defendant Nakano as its registered agent at 140 Liliuokalani Avenue, Suite 107, Honolulu, HI 96815.

60. Defendants knew, at the time of those filings, that Defendant Nakano could not, in fact, be found at that address as he was a citizen and resident of Japan.

61. This conduct constitutes an unfair or deceptive trade practice in violation of Hawaii Rev. Stat. §480-2(a).

COUNT VIII
MISLEADING AND DECEPTIVE REPRESENTATIONS: THE WEBSITES

62. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 61 as though fully set forth herein.

63. From April 8, 2000 to the present, the Hawaii section of Defendant IOND's website has contained a variety of false, misleading and deceptive statements and representations.

64. These include the claims that:

- a. "We offer an alternative education experience that overcomes the obstacles of the traditional education system." In fact, IOND offered no educational experience.
- b. "IOND University gives person-to-person lectures to its students via the Internet (e-mail)." In fact, IOND gave no lectures to students.
- c. "IOND University offers high-level educational programs to people with significant professional experience. We are an international correspondence university based in Hawaii (U.S.A.) and Tokyo (Japan)." In fact, IOND offered no educational program.
- d. "We issue degrees to students according to their level of achievement of their learning paradigm. IOND University offers Bachelor, Master and Doctorate (Ph.D.) degrees." In fact, IOND now claims to have never issued any degrees.

- e. "IOND University promotes lifelong education for members of society and develops international education programs leading to a degree. We offer educational programs, primarily in the liberal arts areas, to people who did not have such an opportunity under the present educational system." Again, IOND now claims to have offered no education programs leading to any degrees anywhere in the world.
- f. "IOND was founded to spread life long learning and to enable all members of society obtain an academic degree." In fact, IOND has allowed, if it is to be believed, no one to achieve an academic degree.
- g. "Students receive credits for studies carried out and are evaluated by mail or e-mail." In fact, IOND required no studies and issued no credits.
- h. "IOND University is accredited by the Education Authority of the Republic of the Philippines."
- i. "IOND University, established in 1999, is a non-profit educational organization, identical to Harvard University ..." Harvard, of course, is accredited by a recognized accreditor, actually teaches students and issues degrees.
- j. "We issue degrees to students according to their level of achievement of their learning paradigm. IOND University offers Bachelor, Master and Doctorate (Ph.D.) degrees." This statement is still made on the current Hawaii page despite claims that such statements in the past were inadvertently made.
- k. "Most students are in their thirties or forties, but we receive applications from both men and women, ranging from their twenties to their seventies." IOND, if it is to be believed, has no actual students.
- l. "Each student's educational background, thesis, writings, studies, social activities, qualifications, career, etc. will count towards IOND University

credits. If the converted credits already exceed the standards for graduation, the students will be able to graduate by submitting a graduation thesis or dissertation. If the student does not have enough credits to graduate, they must study the necessary subjects before submitting their thesis or dissertation for graduation. The thesis or dissertation may be submitted by mail or e-mail. We value your personal experience.” In fact, no student, if IOND is to be believed, has ever received any credit, for life experience or otherwise, from IOND.

- m. “Each student has a different educational background and reason for studying. Some people want to complete an academic degree or evaluation which they started previously, or upgrade their work skills or general knowledge. Most applicants, however, have the ability and the talent, but not an academic degree or evaluation. Others have chosen to accelerate their careers through IOND distance learning.” In fact, the only criteria for becoming an IOND student, was the fact that you were a friend or relative of Ms. Kanae.
- n. “The masters or doctorate degree programs are only open to university graduates. Applicants for other programs are examined through a two stage screening process in accordance with the IOND University's criteria.” In fact, if IOND is to be believed, there are no university graduates and no such actual programs exist.
- o. “Students receive credits for studies carried out and are evaluated by mail or e-mail.” In fact, IOND has evaluated no students or issued any credits.
- p. “. . .We have spent a total of 700,000 dollars in the State of Hawaii for its maintaining, managing and administrating up until now.”

65. In addition to actual written misrepresentations, IOND’s

Hawaii website is misleading in a number of other particulars:

- a. Its use of the word “University” in its name is misleading in that it doesn’t offer educational programs or award degrees, if it is to be believed.
- b. Its current webpage shows pictures of its Hawaii School Office. In fact, its lease has been terminated for failure to pay rent and its listed Hawaii telephone and fax numbers are disconnected.
- c. Its current webpage implies an affiliation with the University of Lodzki in Poland. In fact, the University of Lodzki has terminated any relationship with IOND and has demanded that IOND remove such references.

66. Although IOND claims that these misrepresentations were inadvertent, they were made continuously over a six year period; many continue to be made today, and most were also contained in its written catalogs.

67. These express and implied misrepresentations constitutes separate and independent unfair or deceptive trade practices in violation of Hawaii Rev. Stat. §480-2(a).

COUNT IX
MISLEADING AND DECEPTIVE REPRESENTATIONS: THE CATALOGS

68. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 67 as though fully set forth herein.

69. IOND’s written catalog repeats most of the misrepresentations made in its website. These express and implied misrepresentations constitutes separate and independent unfair or deceptive trade practices in violation of Hawaii Rev. Stat. §480-2(a).

COUNT X
DEFENDANT NAKANO'S PERSONAL LIABILITY

70. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 69 as though fully set forth herein.

71. At all times relevant herein, Defendant Nakano was an officer and/or director of IOND.

72. Defendant Nakano actively or passively participated in the illegal activity and/or formulated, directed, supervised, participated in, benefited from, facilitated, controlled, knew and approved of, and committed or caused the commission of the various acts and practices described herein.

COUNT XI
INJUNCTIVE RELIEF

73. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 72 as though fully set forth herein.

74. Unless Defendants are restrained and enjoined by this court from continuing to violate Hawaii Rev. Stat. Chap. 446E and §480-2(a) in the manner described herein, they will continue to do so, irreparably harming and injuring the consuming public of the State of Hawaii.

WHEREFORE, plaintiff prays that this court:

1. Find, order, adjudge and declare that Defendants' conduct, as alleged herein, violates the statutory provisions set forth above and declare that any degrees conferred or diplomas awarded by IOND University are null, void and illegally issued.

2. Issue a temporary restraining order, preliminary injunction and permanent injunction directing the Business Registration Division of the Department of

Commerce and Consumer Affairs of the State of Hawaii to dissolve, terminate, revoke and/or cancel all trade names, trademarks, corporate registrations (including that for IOND) and certificates of authority held by or for the defendants.

3. Issue a temporary restraining order, preliminary injunction and permanent injunction enjoining the defendants, their agents, employees, successors and assigns, directly or indirectly, individually or in concert with others, or through any corporate or other device from any of the following:

- a. Providing any post-secondary instructional programs or courses leading to a degree;
- b. Acting as or holding itself out as a “college, academy, institute, institution, university” or anything similar thereto;
- c. Failing to comply with Hawaii Rev. Stat. Chap. 446E or §480-2(a) in any particulars; and
- d. Owning or operating any business in the State of Hawaii, claiming to operate under the laws of the State of Hawaii, or having a presence in Hawaii until all restitution, civil penalties and costs entered herein are fully satisfied.

4. Assess appropriate civil penalties against the defendants pursuant to Hawaii Rev. Stat. §480-3.1 and enter judgment in favor of the plaintiff accordingly.


5. Award any consumers injured by the aforementioned violations full restitution, including pre and post judgment interest, against the defendants, pursuant to

Hawaii Rev. Stat. §487-14 and the court's inherent authority and enter judgment accordingly.

6. Assess and award judgment in favor of the plaintiff and against the defendants for attorney's fees, costs, cost of the investigation, interests and other expenses.

7. Award the plaintiff such other relief as the court may deem just and equitable under the circumstances.

DATED: Honolulu, Hawaii, June 25, 2008.


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Attorney for Plaintiff

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, by its Office of Consumer Protection,)	CIVIL NO. 07-1-1671-09 GWBC
)	(Other Civil Action)
)	
Plaintiff,)	SUMMONS
)	
vs.)	
)	
)	
IOND UNIVERSITY, a Hawaii corporation and IKUO NAKANO,)	
)	
Defendants.)	
)	
)	
)	
)	

SUMMONS

TO DEFENDANT IKUO NAKANO:

You are hereby summoned and required to serve upon plaintiff's attorney, whose address is stated above, an answer to the First Amended Complaint which is attached. This action must be taken within twenty (20) days after service of this summons upon you, exclusive of the day of service.

If you fail to make your answer within the twenty day time limit, judgment by default will be taken against you for the relief demanded in the First Amended Complaint.

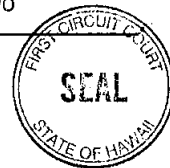
If you fail to obey this summons, this may result in an entry of default and default judgment.

Pursuant to Rule 4(b) of the Hawai'i Rules of Civil Procedure, this summons shall not be delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the public, unless a judge of the District or Circuit courts permits, in writing on the summons, personal delivery during those hours.

In accordance with the Americans with Disabilities Act, and other applicable state and federal laws, if you require a reasonable accommodation for a disability, please contact the ADA Coordinator at the First Circuit Court Administration Office at PHONE NO. (808) 539-4333, FAX (808) 539-4322, or TTY (808) 539-4853, at least ten (10) working days prior to your hearing or appointment date.

DATED: Honolulu, Hawaii, _____ JUN 26 2008

J. HIDANI



Circuit Court Clerk