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IN THE HIGH COURT OF AMERICAN SAMOA  
LANDS AND TITLES DIVISION

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FRANCES OPELLE, ET AL., ) HCLT 020-2013  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
DOUGLAS C. KNEUBUHL, )  
 )  
Defendant. )

ROBIN KNEUBUHL ROUSH, ET ) HCCA 028-2013  
AL., )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
DOUGLAS C. KNEUBUHL, )  
 )  
Defendant. )

Before the Honorable Acting Associate Justice,  
Elvis R. Pila Patea, presiding, Chief Associate  
Judge Mamea Sala, Jr., and Associate Judge Tunupopo  
Alaalafaga;

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REPORTER'S TRANSCRIPT OF PROCEEDINGS  
HELD FEBRUARY 15, 2018

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1 APPEARANCES:

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3 FOR DEFENDANT MICHAEL KNEUBUHL:

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1 FAGATOGO, AMERICAN SAMOA; THURSDAY, FEBRUARY 15, 2018

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5 THE COURT: Let's start at the top of our  
6 9 o'clock matters. Call the --

7 THE CLERK: LT 20-13 and CA 28-13, *Frances*  
8 *Opelle, et al., vs. Douglas Kneubuhl and Robin Kneubuhl*  
9 *Roush, et al., vs. Douglas Kneubuhl.*

10 MR. HALL: Charlie is not here.

11 THE COURT: Who?

12 MR. HALL: Charlie.

13 THE COURT: Who does he represent?

14 MR. HALL: He represents members of the Kishon  
15 family.

16 THE COURT: That's the next matter.

17 MR. HALL: Oh, okay.

18 THE COURT: Appearance for the record.

19 MR. HALL: Yes. Roy J.D. Hall, Jr., Your  
20 Honor, on behalf of Mike Kneubuhl.

21 THE COURT: There have been a series of  
22 filings or submissions by plaintiffs in this case  
23 received in the clerk's office by way of either fax or  
24 e-mail. The clerk went ahead and received them, and  
25 hopefully, they've provided you with copies.

1 MR. HALL: Yes, I have received them, Your  
2 Honor.

3 THE COURT: I understand there's yet another  
4 one this morning, but I don't see the -- I don't see  
5 it. It was received this morning. Oh, there it is. I  
6 see it now.

7 MR. HALL: And what is that document entitled,  
8 Your Honor?

9 THE COURT: "Plaintiffs Kneubuhl and Takei's  
10 Position Paper for Status Hearing on February 15th,  
11 2018." It seems to be a duplicate of what was received  
12 yesterday.

13 MR. HALL: That's the one with Ms. Takei's  
14 signature. I've received that, Your Honor.

15 THE COURT: All right. Yesterday it had Robin  
16 Kneubuhl's signature, and this one has Karen Takei's  
17 signature. Mystery solved.

18 MR. HALL: Your Honor, today was scheduled by  
19 the Court as another status hearing on this matter, and  
20 notwithstanding all the filings that were made by --  
21 made pro se by the other parties, I believe the primary  
22 issue -- the primary matter before the court is to  
23 announce to -- I guess I'm the only counsel of record  
24 for Mike Kneubuhl in the case as being pro se -- is  
25 what is the status of Justice Richmond's return or

1 retirement or disability for us to move forward.

2 THE COURT: Very well. The official word is  
3 Justice Richmond is -- or has retired and will not be  
4 returning to the bench. Therefore, all of his cases  
5 will be heard by myself as presiding justice unless  
6 there's a conflict in my presiding in any of those  
7 matters. And this is with reference to matters that  
8 were under advisement and for which Justice Richmond  
9 had not yet issued a decision. The clerk's office has  
10 already taken an inventory of those cases, and this is  
11 one of them.

12 Now, what we're going to do moving forward --  
13 and the difficulty here is we're dealing with pro se  
14 parties off island, but I'll give the parties the --  
15 well, it seems like they've pretty much stated their  
16 position in their filings-style position paper as far  
17 as how they want to proceed forward, but we'll give you  
18 the opportunity, Counsel Hall, to state your position  
19 in writing. And we'll give everybody 30 days to either  
20 state or default their positions. And basically, the  
21 Court is looking at Trial Court Rules of Civil  
22 Procedure 63 on how we're going to proceed forward,  
23 whether there are matters that can be disposed of and  
24 determined by way of transcript only, whether there are  
25 matters that can be stipulated to and taken care of

1 without a trial, and identifying those issues that  
2 actually will need a retrial if there are any.  
3 According to the pro se position papers, they seem to  
4 think that there are.

5 I don't know how you're going to deal with pro  
6 se parties, especially when they're off island, as far  
7 as coordinating what you can stipulate to and what  
8 issues can be resolved by way of the Court looking at  
9 the transcript only, but they're pro se; so they're  
10 acting as their own attorney.

11 MR. HALL: Yes, Your Honor. I anticipate it  
12 will be very difficult, and it may result that after my  
13 filings and their responses, that the Court may have to  
14 issue an order as to how we should proceed. Another  
15 matter that's come up since the last status hearing,  
16 Your Honor, is that one of the parties, Frances Opelle,  
17 has filed a similar action basically on the same facts  
18 and the same prayers for relief in California against  
19 my client, Mike Kneubuhl, and that case is ongoing. I  
20 am considering filing a motion in our court to stay  
21 those proceedings.

22 THE COURT: Well, we'll look at what evidence  
23 is filed.

24 MR. HALL: But I believe the Court has  
25 jurisdiction over her. So I believe that a stay can be

1 issued to her, cease and desist from continuing to  
2 pursue this matter in a separate court when other  
3 issues have already gone to trial except for the bump  
4 in the road concerning the application of TCRCP Rule  
5 63.

6 THE COURT: Very well. Well, file the  
7 appropriate motion.

8 MR. HALL: I will, Your Honor.

9 Excuse me, Your Honor, will the Court be  
10 issuing an order concerning the retirement of Justice  
11 Richmond as grounds for -- with instructions to file  
12 the appropriate motions?

13 THE COURT: Well, as far as an order regarding  
14 his retirement, I don't think we need an order for  
15 that. It's public knowledge by now. But as far as  
16 moving forward with a status hearing, the next status  
17 hearing, we'll issue an order for that.

18 MR. HALL: Okay. And the date on that, Your  
19 Honor?

20 THE COURT: Very well. This matter will be  
21 set for a status hearing on March 29th, and this is due  
22 to the court's schedule for that month. That'll be at  
23 9 o'clock.

24 MR. HALL: Thank you, Your Honor.

25 THE COURT: Whatever you file, make sure the

1 other side is served.

2 MR. HALL: Yes, Your Honor, I will.

3 THE COURT: Very well. Thank you.

4 MR. HALL: Thank you very much.

5 (The proceedings were concluded at 9:16 A.M.)

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1 REPORTER'S CERTIFICATE

2  
3 I, Aliiao Aulava, a Certified Shorthand  
4 Reporter, do hereby certify:

5 That said proceedings were taken before me at  
6 the time and place therein set forth and were taken  
7 down by me in shorthand and thereafter transcribed into  
8 typewriting under my direction and supervision;

9 I further certify that I am neither counsel  
10 for, nor related to, any party to said proceedings, nor  
11 in any way interested in the outcome thereof.

12 In witness whereof, I have hereunto subscribed  
13 my name.

14  
15  
16 Dated: February 20, 2018

17  
18  
19 -----  
Aliiao Aulava  
CSR No. 12804