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1 Robin Alexandra Kneubuhl<sup>1</sup>  
2 64 Olive Mill Road  
3 Santa Barbara, California 93108  
4 805-845-3855  
5 robin.kneubuhl@gmail.com

6 **HIGH COURT OF AMERICAN SAMOA**  
7  
8 **LAND AND TITLES DIVISION**

9 ROBIN KNEUBUHL ROUSH, FRANCES K.  
10 OPELLE, BENJAMIN "BEN" KNEUBUHL, JR.<sup>2</sup>

11 PLAINTIFFS

12 vs

13 DOUGLAS CRANE "MIKE" KNEUBUHL,  
14 DOUGLAS KNEUBUHL, JR., CARRIE SUE  
15 KNEUBUHL LAVIGNE ECKERT, AND KELLY  
16 KNEUBUHL NADINE FULTS,

17 DEFENDANTS

18 \_\_\_\_\_  
19 FRANCES K. OPELLE

20 PLAINTIFF

21 VS

22 DOUGLAS CRANE "MIKE" KNEUBUHL,  
23 DOUGLAS KNEUBUHL, JR., CARRIE SUE  
24 KNEUBUHL LAVIGNE ECKERT AND KELLY  
25 KNEUBUHL NADINE FULTS, AND MARK  
26 KNEUBUHL, DEFENDANTS

Consolidated Cases Nos.:  
LT 20-2023  
CA 28-2013

**PLAINTIFFS ROBIN KNEUBUHL AND  
KAREN TAKEI'S MOTION TO VACATE  
ORDER OF CONSOLIDATION UNDER  
RULE 42(A)**

27 <sup>1</sup> Robin is formerly Robin Kneubuhl Roush; she reassumed her birth name by court order in  
28 November, 2013; this is reflected in court proceedings filed on or about February 14, 2014;

<sup>2</sup> Karen has filed a request to substitute for her father Benjamin "Ben" Kneubuhl, dec'd, as his  
executor.

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4                   MOTION TO VACATE ORDER OF CONSOLIDATION

5           Plaintiffs in action CA 28-2013 Karen Kneubuhl Takei and Robin Kneubuhl (hereinafter  
6 “Karen” and “Robin”) respectfully move this court for an Order to vacate its prior Order of  
7 consolidation of the matters above-captioned, entered under T.C.R.C.P. 42(a) and, in  
8 furtherance, respectfully represent:

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10           (1) That the initial order filed December 6, 2013, filed by then counsel Attorney (now  
11 Judge) Fiti A. Sunia, was entirely appropriate at the time, having:

12           (2) Supported the purposes of economy and expedience, pursuant to Rule T.C.R.C.P.  
13 42(a), under which it was first ordered, but that, since that time, continuation of the order:

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15           (3) Is no longer necessary, nor will it expedite judicial economy or the litigation, and:

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17           (4) Unless vacated, will have the opposite, unintended consequence of causing undue  
18 burden and delay to both the parties and the court, and,

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20           (5) Its continuation may result, if not vacated, in substantial expense and injustice to the  
21 parties for the reasons set forth here and in the accompanying Memorandum.

22           (6) Such an order will neither conflict with nor hinder the proceedings which are planned  
23 under the TCRCRCP Rule 63, as Ordered pursuant to the Status Hearing for these consolidated  
24 matters held on February 15, 2018. Instead, the wide discretion afforded to the court under both  
25 Rules 42 and 63 reinforces the authority of the Court, and since the rules do not conflict with one  
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2 another, they will operate together to expedite resolution and disposition, in support of the needs  
3 and timetable set by the court.

4           THEREFORE, Plaintiffs move that the prior consolidation order be vacated, and in its  
5 place, the court proceed to individual judgment(s) on the four (4) primary issues outlined in the  
6 accompanying Memorandum, so that the court may proceed without undue burden and delay.  
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8           Respectfully Submitted,  
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13 Plaintiff Robin Kneubuhl, Dated: March \_\_\_\_, 2018  
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17 Plaintiff Karen Kneubuhl Takei, Dated: March \_\_\_\_, 2018  
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Certification of Service:

I/we certify by my/our signature hereinbelow under penalty of perjury that I/we have forwarded the original of this pleading to the High Court of American Samoa, US Mail, postage pre-paid, Priority, certified, and a true and exact copy of the foregoing to all plaintiffs of record, by US Mail postage pre-paid, and to Counsel for all defendants of record, Roy J.D. Hall, Esq., and to Mark Kneubuhl, defendant, pro se, also USPS postage prepaid, Priority, certified, as follows:

The High Court of American Samoa  
Attn: Terry S. Fielding, Clerk of the Court  
Email: [clkocas@gmail.com](mailto:clkocas@gmail.com)  
PO Box 309, Pago Pago, American Samoa 96799

Frances Kneubuhl Opelle, Plaintiff  
Email: [robertjohnopelle@yahoo.com](mailto:robertjohnopelle@yahoo.com)  
25546 Spinnaker Dr., San Juan Capistrano, California 92675

Karen Kneubuhl Takei, Plaintiff  
[takeikaren@yahoo.com](mailto:takeikaren@yahoo.com)  
64-5272 Puanuanu Pl.  
Kamuela, Hawaii 96743

Roy J.D. Hall, Esq. Counsel for Defendants [except Mark Kneubuhl]:  
Hall and Associates  
PO Box 2506  
Pago Pago, American Samoa 96799

Mark Kneubuhl, Defendant:  
Email: [markkneubuhl@gmail.com](mailto:markkneubuhl@gmail.com)  
PO Box 3512, Pago Pago, American Samoa, 96799

The enclosed/attached is declared, under penalty of perjury, to be a true and correct original/copy of the foregoing pleading sent to the High Court of American Samoa at Pago Pago, American Samoa.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Robin Alexandra Kneubuhl, plaintiff

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Dated this 10<sup>th</sup> of March, 2018.

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Robin A. Kneubuhl, Plaintiff pro se  
Date: \_\_\_\_\_

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Karen Kneubuhl Takei, Plaintiff, pro se  
(request to substitute for plaintiff Benjamin ("Ben")  
Kneubuhl  
Date: \_\_\_\_\_