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High Court

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**HIGH COURT OF AMERICAN SAMOA
LAND AND TITLES DIVISION**

ROBIN KNEUBUHL ROUSH, BENJAMIN F.
KNEUBUHL, JR., FRANCES K. OPELLE,

PLAINTIFFS

vs

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

DEFENDANTS

**HCCA 28-2013
LT20- 2013**

PLAINTIFF'S

**STIPULATION AND STATEMENT OF
NON-OBJECTION TO PLAINTIFF
OPELLE'S MOTION FOR
CONTINUANCE AND FOR PERMISSION
TO FILE A CROSS COMPLAINT**

**RE: NATURE OF THE 1960 LENA P.
KNEUBUHL TRUST INTERESTS AS
LIFE ESTATES**

Plaintiff in the above action, having received plaintiff Opelle's motion dated May 8, 2018, respectfully enters this stipulation and statement of non-objection in the matter of the particular nature of the interests in the subject trust, and in furtherance represents it is not timely filed, and without grounds, both representations set forth hereinafter.

PLEASE TAKE NOTICE that on the _____ day of _____, 2018, _____ a.m./p.m., or as soon thereafter as counsel may be heard, or as the court orders, the motion will be heard at the High Court of American Samoa, located in Fatagogo, American Samoa.

1 I. STIPULATION No. 1: Preliminary Matter

2 Plaintiff Opelle's motion refers to "outside counsel" and states that the work
3 submitted on life estates was prepared by same, and then states (incongruously) that
4 work prepared by outside counsel was not submitted. The Opelles are in part correct: at
5 least five (5) separate outside counsel were consulted on numerous occasions on
6 numerous issues throughout the litigation from 2012 to 2016 (post judgment), all of
7 which conversation is protected under the attorney client privilege, and which has now, in
8 part, by their words been breached. [Nevertheless, no sanctions are requested.] This
9 petitioner merely stipulates to the court that the Life Estates Memorandum- and all other
10 Memoranda and pleadings - submitted to the HIGH COURT on and about May 2-10,
11 2018, and earlier throughout 2018, is/are entirely and solely the personal work and result
12 of the legal research conducted over the years by the undersigned, and nothing prepared
13 by outside counsel was submitted at any time. Representations otherwise are false.
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18 II. STIPULATION No. 2: Motion to Continue

19 Plaintiff has no objection to a limited continuance so that Opelles may be allowed
20 time to bring their pleadings into conformity with general rules of practice, and in
21 conformity with the rules of pleading set forth in the F. R.C.P. and the T.C.R.C.P. which
22 impose strict time parameters where there is no exceptional circumstance alleged, or new
23 evidence discovered, fraud, mistake or where matters may be insufficiently pled.
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25 Plaintiff requests, however, that any continuance for this limited purpose be
26 granted for no longer than 10 business days, to account for time in transit.
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2 III. DISCUSSION:

3 1. Delay: The Federal Rules of Civil Procedure permit amendments to pleadings,
4 counter claims and/or cross claims, and other matters, according to a schedule set forth
5 with rigor and specificity, to promote both justice and judicial economy. (See especially
6 Rule 12 et. seq.) It is in this spirit that the High Court has outlined a plan to proceed in a
7 timely manner to disposition of these matters. See its April 12, 2018 Order setting
8 schedule. And while the court has discretion to set these aside for reasons of substantial
9 justice and fairness, and especially for pro se parties, it may not do so for reasons which
10 are unduly burdensome, for reasons of unnecessary delay, or to harass, burden or
11 prejudice (See Rule 11(b) (1-4). (further citation omitted)
12
13

14 Plaintiff here alleges that the Opelles were aware throughout the entire litigation
15 that accommodation and discussion of their thoughts on life estates was undertaken, that
16 they had ample opportunity for several years to amend the pleadings, and did not do so.
17 The relief requested remained in the two complaints and the amended complaint for
18 years, and counsel subjected witness to direct and cross examination without complaint at
19 trial. (citations of law omitted)
20

21 2. No grounds to file. The allegation Opelles plan to make by way of crossclaim
22 under is that there are no reasonable grounds on which the court could find that the trust
23 estates are life estates. (The summary judgment standard) Facially it is apparent from
24 their motion, there is no new evidence proffered, and no surprise, and certainly no fraud
25 or mistake. Opelles admit to ongoing discussions throughout the litigation. Further
26 discovery is not likely to produce new any evidence, and failed to seek timely closure or
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1 resolution. The entire subject (present and future interests and estates) is a matter of
2 statutory law, prior decisions, and the trust instrument. Having no present legal argument
3 of any legal merit to offer that the trust interests are not life estates, they now wish to
4 assert calendars delays based on distressing personal circumstances and confusing
5 communications which are not material to any legal merits of the claim.
6

7 The court ought not permit such routine continuances and delays in order
8 accommodate to any one litigant's personal calendar, if that jeopardizes the prompt
9 resolution the court properly intended to impose by use of summary judgment.
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11 IV. Relief Requested:

12 This plaintiff, having no objection to a continuation of 10 days to permit Opelles
13 to file a cross-complaint and register objection to being associated with the legal theory,
14 and this plaintiff, further being substantially familiar with the literature of the subject
15 matter and the law of the case, realistically believing no meritorious arguments will be
16 discovered, requests:
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18 1. The Opelles' request for continuance to permit filing of a cross complaint, if
19 granted, be limited to no more than ten (10) business days.
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21 Respectfully Submitted,
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24 Robin Alexandra Kneubuhl, Plaintiff pro se, May 11, 2018
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2 In the Matter of:

HCCA 28-2013

3 Robin Kneubuhl [Roush], Benjamin F.
4 Kneubuhl, Jr., Frances K. Opelle
5 Plaintiffs,

6 v.

7 Douglas Crane "Mike" Kneubuhl,
8 Douglas Kneubuhl Jr., Carrie Sue
9 Kneubuhl Lavigne Eckert, and Kelly
10 Kneubuhl Nadine Fults,
11 Defendants

12 **NOTICE OF HEARING**

13 PLEASE TAKE NOTICE that on the _____ day of _____,
14 2018, __ a.m./p.m., or as soon thereafter as counsel may be heard, or the court orders, the
15 High Court of American Samoa, located in Fatagatogo, American Samoa, will hear
16 plaintiff's motion dated May 11, 2018 of Stipulation and Non-Objection to Plaintiff
17 Opelle's Motion for Continuance, dated May 8, 2018.

18 Dated: _____, 2018

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20 Clerk of the Courts
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3 **HIGH COURT OF AMERICAN SAMOA**
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5 Robin Kneubuhl [Roush], Benjamin F.
6 Kneubuhl and Frances K. Opelle,
7 Plaintiffs,

HCCA 28-2013

8 v.

9 Douglas Crane "Mike" Kneubuhl,
10 Douglas Kneubuhl Jr., Carrie Sue
11 Kneubuhl LavigneEckert, and Kelly
12 Kneubuhl Nadine Fults,
13 Defendants

ORDER

14 This matter, A Statement of Stipulation and Non-Objection, dated May 11,2018
15 having come forward upon the motion of the Plaintiffs, and the Court being fully advised
16 in the premises:

17 IT IS HEREBY,

18 ORDERED that plaintiff's request for relief dated May 11, 2018 that a
19 continuance, if granted, to Plaintiff Opelle in her May 8, 2018 Motion to Continue to File
20 Cross Complaint and relevant Memoranda, be no more than 10 business days, if granted
21 at all.
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24 GRANTED/DENIED
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26 By: _____ Date _____, 2018.
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