

[R Create an Alert for This Case on RECAP](#)

APPEAL, Pro Se

**U.S. District Court  
District of Hawaii (Hawaii)  
CIVIL DOCKET FOR CASE #: 1:20-cv-00280-LEK-KJM**

De Jean v. Nago

Assigned to: JUDGE LESLIE E. KOBAYASHI

Referred to: MAGISTRATE JUDGE KENNETH J. MANSFIELD

Case in other court: Ninth Circuit Court of Appeals, 20-17112

Ninth Circuit Court of Appeals, 20-73167

Cause: 42:1981 Civil Rights

Date Filed: 06/19/2020

Jury Demand: None

Nature of Suit: 441 Civil Rights: Voting

Jurisdiction: Federal Question

**Plaintiff**

**Khistina Caldwell De Jean**

*Independent Candidate 2020 for President  
of the United States*

represented by **Khistina Caldwell De Jean**

P. O. Box 1944

Kailua, HI 96734

(808) 545-3855

PRO SE

V.

**Defendant**

**Scott Nago**

*in his Official Capacity as Chief Election  
Office of the State of Hawaii*

represented by **Lori N. Tanigawa**

Department of the Attorney General-State  
of Hawaii

425 Queen St

Honolulu, HI 96813

586-1500

Email: lori.n.tanigawa@hawaii.gov

**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
06/19/2020	<a href="#">1</a>	COMPLAINT against Scott Nago - filed by Khistina Caldwell De Jean. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3, # <a href="#">4</a> Exhibit 4, # <a href="#">5</a> Exhibit 5, # <a href="#">6</a> Exhibit 6, # <a href="#">7</a> Exhibit 7, # <a href="#">8</a> Exhibit 8, # <a href="#">9</a> Exhibit 9) (emt, ) (Entered: 06/20/2020)
06/19/2020	<a href="#">2</a>	MOTION to Proceed Without Paying - by Plaintiff Khistina Caldwell De Jean. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3, # <a href="#">4</a> Exhibit 4, # <a href="#">5</a> Exhibit 5, # <a href="#">6</a> Exhibit 6, # <a href="#">7</a> Exhibit 7, # <a href="#">8</a> Exhibit 8, # <a href="#">9</a> Exhibit 9) (emt, ) (Entered: 06/20/2020)
06/19/2020	<a href="#">3</a>	Order Setting Rule 16 Scheduling Conference is set for 09:30AM on 8/17/2020 before MAGISTRATE JUDGE KENNETH J. MANSFIELD - Signed by CHIEF JUDGE J. MICHAEL SEABRIGHT on 6/19/2020. (Attachments: # <a href="#">1</a> Memo from Clerk Re: Corporate Disclosures) (emt, ) (Entered: 06/20/2020)

06/22/2020	<a href="#"><u>4</u></a>	Expedite July 5th Before August 5th - by Plaintiff Khistina Caldwell De Jean. (emt, ) (Entered: 06/22/2020)
06/30/2020	<a href="#"><u>5</u></a>	ORDER GRANTING PLAINTIFF'S MOTION TO "PROCEED WITH OUT PAYING" re <a href="#"><u>2</u></a> - Signed by JUDGE LESLIE E. KOBAYASHI on 6/30/2020.  This Court DIRECTS the Clerk's Office to issue the summons and to provide Plaintiff with the instructions and all other forms necessary for the United States Marshals Service ("Marshals Service") to attempt service of the Complaint.  (emt, ) (Entered: 06/30/2020)
06/30/2020	<a href="#"><u>6</u></a>	EO: COURT ORDER REGARDING PLAINTIFF'S FILING TITLED <a href="#"><u>4</u></a> "EXPEDITE JULY 5TH BEFORE AUGUST 5TH"  (JUDGE LESLIE E. KOBAYASHI) (afe)  <hr/> COURTS CERTIFICATE of Service - Non-Registered CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF) (Entered: 06/30/2020)
07/01/2020	<a href="#"><u>7</u></a>	Summons Issued as to Scott Nago. (emt, ) (Entered: 07/01/2020)
07/01/2020	<a href="#"><u>8</u></a>	CIVIL Waiver of Service Packet ~ Notice to Parties Regarding Service Pursuant to Rule 4 of the Federal Rules of Civil Procedure. (Attachments: # <a href="#"><u>1</u></a> AO 398 Notice of Lawsuit and Request to Waive Service of Summons, # <a href="#"><u>2</u></a> AO 399 Waiver of Service of Summons) (emt, ) (Entered: 07/01/2020)
07/01/2020	<a href="#"><u>9</u></a>	Letter from Clerk's Office to Plaintiff Khistina Caldwell De Jean re <a href="#"><u>5</u></a> ORDER GRANTING PLAINTIFF'S MOTION TO "PROCEED WITH OUT PAYING", dated July 1, 2020. (emt, ) (Entered: 07/01/2020)
07/01/2020		COURT'S CERTIFICATE of Service - a copy of the <a href="#"><u>5</u></a> ORDER GRANTING PLAINTIFF'S MOTION TO "PROCEED WITH OUT PAYING" and related service documents outlined in the Clerk's Letter, dated July 1, 2020, have been served by First Class Mail to Khistina Caldwell De Jean at the address of record on July 1, 2020. A copy of the Order was forwarded to the U.S. Marshals Service by email on July 1, 2020. (emt, ) (Entered: 07/01/2020)
07/09/2020	<a href="#"><u>10</u></a>	MOTION for Status Conference and Change of Address - by Plaintiff Khistina Caldwell De Jean. (emt, ) (Entered: 07/12/2020)
07/13/2020	<a href="#"><u>11</u></a>	EMAIL LETTER from Ms. De Jean dated July 9, 2020 (bbb) (bbb, ). (Entered: 07/13/2020)
07/13/2020	<a href="#"><u>12</u></a>	MOTION for Emergency Status Conference - by Plaintiff Khistina Caldwell De Jean. (emt, ) (Entered: 07/13/2020)
07/13/2020	<a href="#"><u>14</u></a>	Pandemic PROOF OF SERVICE - by Khistina Caldwell De Jean. (Attachments: # <a href="#"><u>1</u></a> Mailing Documentation) (emt, ) (Entered: 07/14/2020)
07/13/2020	<a href="#"><u>15</u></a>	Pandemic PROOF OF SERVICE - by Khistina Caldwell De Jean. (emt, ) (Additional attachment(s) added on 7/15/2020: # <a href="#"><u>1</u></a> Mailing Documentation) (emt, ). (Entered: 07/14/2020)
07/14/2020	<a href="#"><u>13</u></a>	EO: COURT ORDER GRANTING PLAINTIFF'S REQUEST FOR A STATUS

		<p>CONFERENCE.</p> <p>Video Status Conference is set for 7/17/2020 at 09:45 AM before JUDGE LESLIE E. KOBAYASHI. If any party is unable to participate in a video conference, the party must inform this Court by contacting the courtroom manager, Agalelei Elkington, at (808)541-1894 by Thursday, July 16, 2020, at 10:00 a.m.</p> <p>(JUDGE LESLIE E. KOBAYASHI) (afe )</p> <hr/> <p>COURTS CERTIFICATE of Service - Non-Registered CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF), NEF and EO mailed and phone call made to Plaintiff. Email of NEF and EO sent to Clare Connors.</p> <p>(Entered: 07/14/2020)</p>
07/17/2020	<a href="#">16</a>	<p>EP: Video Status Conference held.</p> <p>Special appearance by Lori Tanigawa on behalf of the State for this status hearing. Court addresses Service. Discussion held.</p> <p>The Court determines that proper service has not been perfected. Ms. Tanigawa agrees to receive service on behalf of the defendant.</p> <p>The Plaintiff will contact Ms. Tanigawa to make arrangements for service and file proof of service with the Court pursuant to the Federal Rules of Civil Proceedings.</p> <p>The Plaintiff may ask for an expedited hearing at that time.</p> <p>(JUDGE LESLIE E. KOBAYASHI) (afe)</p> <hr/> <p>COURTS CERTIFICATE of Service - Non-Registered CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF)</p> <p>(Entered: 07/17/2020)</p>
07/17/2020	<a href="#">17</a>	<p>OPEN STATEMENT LETTER/ANSWER re <a href="#">16</a> Judge Order Status Conference Granted 7/17/20 - filed by Khistina Caldwell De Jean. (emt, ) (Entered: 07/17/2020)</p>
07/17/2020	<a href="#">18</a>	<p>ANSWER to Judge Kobayashi 7/14/20 re <a href="#">13</a> - filed by Khistina Caldwell De Jean. (emt, ) (Entered: 07/17/2020)</p>
07/17/2020	<a href="#">19</a>	<p>STATEMENT ("To the Court of Hawaii My Writting Will Never Be the Same Inconsistent", Plaintiff further requests "Next and all court matters, I request to be seen and heard in person".) - filed by Khistina Caldwell De Jean. (emt, ) (Entered: 07/17/2020)</p>
08/03/2020	<a href="#">20</a>	<p>Election Registration and Turnout Statistics - filed by Khistina Caldwell De Jean. (Attachments: # <a href="#">1</a> Exhibit 10, # <a href="#">2</a> Exhibit 12, # <a href="#">3</a> Exhibit 13, # <a href="#">4</a> Exhibit 14, # <a href="#">5</a> Exhibit 15, # <a href="#">6</a> Exhibit 16, # <a href="#">7</a> Exhibit 17, # <a href="#">8</a> Exhibit 18, # <a href="#">9</a> Exhibit 19 (Part 1 of 3), # <a href="#">10</a> Exhibit 19 (Part 2 of 3), # <a href="#">11</a> Exhibit 19 (Part 3 of 3), # <a href="#">12</a> Change of Address Order) (emt, ) (Entered: 08/03/2020)</p>
08/06/2020	<a href="#">21</a>	<p>Cover Sheet Exhibits Election 2020 Deadline Aug 5th, 2020 re <a href="#">20</a> - filed by Khistina Caldwell De Jean. (Attachments: # <a href="#">1</a> Exhibit 25, # <a href="#">2</a> Exhibit 26, # <a href="#">3</a> Exhibit 27, # <a href="#">4</a> Exhibit 28, # <a href="#">5</a> Exhibits 29-32, # <a href="#">6</a> Exhibits 33-36, # <a href="#">7</a> Exhibits 37-40, # <a href="#">8</a> Exhibits 41-44, # <a href="#">9</a> Exhibit 45, # <a href="#">10</a> Exhibit 46, # <a href="#">11</a> Exhibit 47, # <a href="#">12</a> Exhibit 48) (emt, ) (Entered: 08/06/2020)</p>
08/10/2020	<a href="#">22</a>	<p>STATEMENT of Jurisdiction - filed by Khistina Caldwell De Jean. (emt, ) (Entered: 08/10/2020)</p>
08/13/2020	23	<p>EO: The <b>TIME</b> for the Telephonic Rule 16 Scheduling Conference set for 8/17/2020 at</p>

		<p>9:30 am has been changed to <b>10:00 am</b>, the same day, before MAGISTRATE JUDGE KENNETH J. MANSFIELD.</p> <p>Parties are to participate via telephone through our AT&amp;T Service. Call-in information for this conference is below. Parties must connect to the conference at least <i>five (5) minutes</i> prior to the scheduled start time of the hearing.</p> <p>Dial in number is 1-877-848-7030 Access Code is 2123668</p> <p>(MAGISTRATE JUDGE KENNETH J. MANSFIELD)(laa) (Entered: 08/13/2020)</p>
08/14/2020	<a href="#"><u>24</u></a>	PROOF OF SERVICE - by Khistina Caldwell De Jean. (emt, ) (Entered: 08/17/2020)
08/14/2020	<a href="#"><u>25</u></a>	PROOF OF SERVICE by Khistina Caldwell De Jean. (emt, ) (Entered: 08/17/2020)
08/14/2020	<a href="#"><u>26</u></a>	PROOF OF SERVICE - by Khistina Caldwell De Jean. (emt, ) (Entered: 08/17/2020)
08/17/2020	<a href="#"><u>27</u></a>	<p>EP: TELEPHONIC RULE 16 SCHEDULING CONFERENCEhearing NOT HELD.</p> <p>Discussion held regarding service.</p> <p>Telephonic Rule 16 Scheduling Conference is set for 09:30AM on 9/14/2020 before MAGISTRATE JUDGE KENNETH J. MANSFIELD.</p> <p>Parties are to participate via telephone through our AT&amp;T Service. Call-in information for this conference is below. Parties must connect to the conference at least five (5) minutes prior to the scheduled start time of the hearing.</p> <p>Dial in number is 1-877-848-7030</p> <p>Access Code is 2123668</p> <p>(ATT / 10:05 a.m. - 10:16 a.m.)</p> <p>(MAGISTRATE JUDGE KENNETH J. MANSFIELD)(laa)</p> <hr/> <p>COURTS CERTIFICATE of Service - Non-Registered CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF)</p> <p>(Entered: 08/17/2020)</p>
08/20/2020	<a href="#"><u>28</u></a>	Proof that Khistina Caldwell De Jean is a Candidate for President 2020 (1/22) - filed by Khistina Caldwell De Jean. (emt, ) (Entered: 08/24/2020)
08/20/2020	<a href="#"><u>29</u></a>	Proof that Khistina Caldwell De Jean is a Candidate for President 2020 (1/22) - filed by Khistina Caldwell De Jean. (emt, ) (Entered: 08/24/2020)
09/04/2020	<a href="#"><u>30</u></a>	<p>OPENING STATEMENT (Focus of Concise Statement) - filed by Khistina Caldwell De Jean.</p> <p>(Attachments: # <a href="#"><u>1</u></a> Cover Page - Exhibits A-D and Opening Statement, # <a href="#"><u>2</u></a> Exhibit A, # <a href="#"><u>3</u></a> Exhibit B, # <a href="#"><u>4</u></a> Exhibit C, # <a href="#"><u>5</u></a> Exhibit D)</p> <p>(emt, ) (Entered: 09/09/2020)</p>
09/14/2020	<a href="#"><u>31</u></a>	NOTICE of Appearance by Lori N. Tanigawa on behalf of Scott Nago on behalf of Scott Nago. (Tanigawa, Lori) (Entered: 09/14/2020)
09/14/2020	<a href="#"><u>32</u></a>	MOTION for Emergency Hearing - by Plaintiff Khistina Caldwell De Jean. (emt, ) (Entered: 09/15/2020)

09/14/2020	<p><a href="#">33</a> EP: TELEPHONIC RULE 16 SCHEDULING CONFERENCE not held.</p> <p>Further discussion held regarding service. The Court informs Ms. De Jean that due to COVID-19 all hearings are being held via telephone.</p> <p>During the later part of the morning, the Court resumed hearing and Ms. Tanigawa was able to call in on the further hearing.</p> <p>Ms. Tanigawa reports the attempted service that was made by Plaintiff Khistina Caldwell De Jean.</p> <p>Ms. Tanigawa shall accept special service electronically of the Complaint and Summons.</p> <p>In accordance to the United States District Court for the District of Hawaii's latest Temporary General Order Regarding District of Hawaii Response to COVID-19 Emergency and the Order Authorizing the Use of Telephonic and Video Hearings, due to the ongoing COVID-19 pandemic and public health emergency, including the anticipated long term need to maintain certain social distancing and other measures intended to protect the public, court employees, and counsel from being exposed to the COVID-19 virus, while at the same time regulating civil matters in a manner consistent with equity and fairness, the hearing will be held telephonically. Parties are to participate via telephone through our AT&amp;T Service. Call-in information for this conference is below. Parties must connect to the conference at least five (5) minutes prior to the scheduled start time of the hearing.</p> <p>Dial in number is 1-877-848-7030 Access Code is 2123668</p> <p>(AT&amp;T Service / 9:44 - 10:08 / 10:26 - 10:40) (MAGISTRATE JUDGE KENNETH J. MANSFIELD)(bbb)</p> <hr/> <p>COURTS CERTIFICATE of Service - Non-Registered CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF)</p> <p>(Entered: 09/15/2020)</p>
09/15/2020	<p><a href="#">34</a> EO: The Court sets a September 24, 2020 deadline for Defendant Scott Nago to file a response to Plaintiff's Complaint (ECF No. <a href="#">1</a> ) and Motion for Emergency Hearing (ECF No. <a href="#">32</a> ). The Court also sets the Telephonic Rule 16 Scheduling Conference for September 30, 2020 at 9:30 a.m. before Magistrate Judge Kenneth J. Mansfield.</p> <p>In accordance to the United States District Court for the District of Hawaii's latest Temporary General Order Regarding District of Hawaii Response to COVID-19 Emergency and the Order Authorizing the Use of Telephonic and Video Hearings, due to the ongoing COVID-19 pandemic and public health emergency, including the anticipated long term need to maintain certain social distancing and other measures intended to protect the public, court employees, and counsel from being exposed to the COVID-19 virus, while at the same time regulating civil matters in a manner consistent with equity and fairness, the hearing will be held telephonically. Parties are to participate via telephone through our AT&amp;T Service. Call-in information for this conference is below. Parties must connect to the conference at least five (5) minutes prior to the scheduled start time of the hearing.</p> <p>Dial in number is 1-877-848-7030 Access Code is 2123668</p>

		(MAGISTRATE JUDGE KENNETH J. MANSFIELD)(bbb)
		<p>COURTS CERTIFICATE of Service - Non-Registered CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF)</p> <p>(Entered: 09/15/2020)</p>
09/15/2020	<a href="#">35</a>	<p>EO: COURT ORDER REGARDING PLAINTIFF'S DKT. <a href="#">32</a> MOTION EMERGENCY HEARING</p> <p>Because the Motion does not address the elements that must be established to obtain either a TRO or a preliminary injunction, Plaintiff is ORDERED to file a supplemental memorandum in support of the Motion by <b>September 29, 2020</b>.</p> <p>Defendant Scott Nago, in his official capacity as Chief Election Officer of the State of Hawai'i ("Defendant"), must file his memorandum in opposition, responding to both the Motion and the supplemental memorandum, by <b>October 13, 2020</b>.</p> <p>If Plaintiff chooses to file an optional reply in support of the Motion, she must do so by <b>October 19, 2020</b>.</p> <p>After reviewing the parties filings, the Court will determine whether to schedule a hearing on the Motion.</p> <p>(JUDGE LESLIE E. KOBAYASHI) (afe)</p> <p>COURTS CERTIFICATE of Service - Non-Registered CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF)</p> <p>(Entered: 09/15/2020)</p>
09/16/2020	<a href="#">36</a>	<p>MOTION to Speak Back to Judge Mansfield - by Plaintiff Khistina Caldwell De Jean. (emt, ) (Entered: 09/16/2020)</p>
09/23/2020	<a href="#">37</a>	<p><i>Defendant Scott Nago's Rule 16</i> Scheduling Conference Statement . (Attachments: # <a href="#">1</a> Certificate of Service)(Tanigawa, Lori) Docket text modified on 9/24/2020 (emt, ). (Entered: 09/23/2020)</p>
09/23/2020	38	<p>EO: The Court has reviewed Plaintiffs <a href="#">36</a> Motion to Speak Back to Judge Mansfield, which appears to request a status conference. Because the Court has scheduled the Rule 16 Scheduling Conference for September 30, 2020 at 9:30 a.m., the Court denies Plaintiffs Motion as moot. (bbb)</p> <p>COURTS CERTIFICATE of Service - Non-Registered CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF)</p> <p>(Entered: 09/23/2020)</p>
09/23/2020	<a href="#">39</a>	<p>MOTION to Dismiss <i>with Prejudice</i> Lori N. Tanigawa appearing for Defendant Scott Nago (Attachments: # <a href="#">1</a> Memorandum in Support, # <a href="#">2</a> Declaration of Kristen Uyeda, # <a href="#">3</a> Declaration of Nedielyn Bueno, # <a href="#">4</a> Certificate of Service)(Tanigawa, Lori) (Entered: 09/23/2020)</p>
09/24/2020	<a href="#">40</a>	<p>Ex Parte MOTION for Default Judgment - by Plaintiff Khistina Caldwell De Jean. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3, # <a href="#">4</a> Exhibit 4)(emt, ) (Entered: 09/25/2020)</p>
09/25/2020	<a href="#">41</a>	<p>MEMORANDUM in Opposition re <a href="#">40</a> MOTION for Default Judgment as to filed by Scott Nago. (Attachments: # <a href="#">1</a> Certificate of Service)(Tanigawa, Lori) (Entered: 09/25/2020)</p>
09/29/2020	42	<p>EO: Due to a conflict in the Court's schedule, the Status Conference TIME IS CHANGED FROM 9:30 a.m. to 10:00 a.m. on the same date of 9/30/2020 by Telephone before</p>



		<p>MAGISTRATE JUDGE KENNETH J. MANSFIELD. Plaintiff Khistina Caldwell De Jean was notified by telephone.</p> <p>Parties are to participate via telephone through our AT&amp;T Service. Call-in information for this conference is below. Parties must connect to the conference at least five (5) minutes prior to the scheduled start time of the hearing.</p> <p>Dial in number is 1-877-848-7030 Access Code is 2123668</p> <p>(MAGISTRATE JUDGE KENNETH J. MANSFIELD)(bbb)</p> <hr/> <p>COURTS CERTIFICATE of Service - Non-Registered CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF)</p> <p>(Entered: 09/29/2020)</p>
09/30/2020	<a href="#">43</a>	<p>MOTION Not to Dismiss Without Prejudice Emergency Hearing re <a href="#">39</a> - filed by Khistina Caldwell De Jean. (Attachments: # <a href="#">1</a> copy of envelope)(emt, ) (Entered: 09/30/2020)</p>
10/02/2020	<a href="#">44</a>	<p>EP: TELEPHONIC STATUS CONFERENCE held.</p> <p>Discussion held regarding timely mailings to Ms. De Jean from the Clerks Office.</p> <p>The Court informs Ms. De Jean that due to COVID-19 all hearings are being held via telephone.</p> <p>In light of the closure of the Courthouse due to the ongoing pandemic, the Clerks Office to send out the docket sheet to Ms. De Jean this one time.</p> <p>(AT&amp;T Service / 9:59 - 10:12) (MAGISTRATE JUDGE KENNETH J. MANSFIELD)(bbb)</p> <hr/> <p>COURTS CERTIFICATE of Service - Non-Registered CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF)</p> <p>(Entered: 10/02/2020)</p>
10/02/2020	<a href="#">45</a>	<p>Emergency MOTION to Stop Hearing (<i>construed as a supplemental memorandum in support of ECF No. <a href="#">32</a> Motion for Emergency Hearing</i>) - by Plaintiff Khistina Caldwell De Jean. (Attachments: # <a href="#">1</a> Exhibits 1 &amp; 2, # <a href="#">2</a> Exhibit 4, # <a href="#">3</a> Exhibit 5, # <a href="#">4</a> Exhibit 6, # <a href="#">5</a> Exhibit 7, # <a href="#">6</a> copy of envelope)(emt, ) Modified on 10/6/2020 (emt, ). (Entered: 10/05/2020)</p>
10/06/2020	<a href="#">46</a>	<p>EO: COURT ORDER SETTING HEARING ON <a href="#">39</a> DEFENDANT'S MOTION TO DISMISS WITH PREJUDICE AND <a href="#">32</a> PLAINTIFF'S MOTION FOR AN EMERGENCY HEARING for 10/23/2020 at 10:30 AM in Aha Nonoi before JUDGE LESLIE E. KOBAYASHI.</p> <p>Defendant is ORDERED to file a response to Plaintiff's Emergency Motion, as supplemented by her 10/2/20 Filing, by no later than October 13, 2020. No reply memorandum in support of either Plaintiff's Emergency Motion or Defendant's Motion to Dismiss will be permitted. The briefing schedule for the Emergency Motion issued in the 9/15/20 EO is VACATED. In other words, the deadlines in the 9/15/20 EO no longer apply, and the dates in this entering order control.</p> <p>(JUDGE LESLIE E. KOBAYASHI)(tyk)</p> <hr/> <p>COURTS CERTIFICATE of Service - Non-Registered CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF)</p>

		(Entered: 10/06/2020)
10/07/2020	<a href="#">47</a>	<p>FINDINGS AND RECOMMENDATION TO DENY PLAINTIFF'S EX PARTE MOTION FOR DEFAULT JUDGMENT re <a href="#">40</a> - Signed by MAGISTRATE JUDGE KENNETH J. MANSFIELD on 10/7/2020. (emt, )</p> <hr/> <p>COURT'S CERTIFICATE of Service -  Khistina Caldwell De Jean served by First Class Mail to the address of record listed on the Notice of Electronic Filing (NEF) on October 7, 2020.  Registered Participants of CM/ECF received the document electronically to the email addresses listed on the Notice of Electronic Filing (NEF).  (Entered: 10/07/2020)</p>
10/09/2020	<a href="#">48</a>	<p>EO: COURT ORDER REGARDING PLAINTIFF'S OCTOBER 6, 2020 SUBMISSIONS</p> <p>On October 6, 2020, pro se Plaintiff Khistina Caldwell De Jean ("Plaintiff") submitted two documents: a "Motion Emergency Hearing" addressed to the "Ninth Circuit Court Appeals"; and a "Motion To Move 120CV00280LEK KJM" addressed to the "Ninth Circuit Court" (collectively "10/6/20 Submissions"). In light of her pro se status, Plaintiff's 10/6/20 Submissions must be liberally construed. See <u>Erickson v. Pardus</u>, 551 U.S. 89, 94 (2007) (per curiam). However, even if this Court liberally construed Plaintiff's 10/6/20 Submissions, they cannot be considered motions seeking relief in this district court. Because Plaintiff clearly indicates that her 10/6/20 Submissions are for the Ninth Circuit Court of Appeals, the Clerk's Office is DIRECTED to transmit them to the Ninth Circuit for consideration.</p> <p>IT IS SO ORDERED.</p> <p>(JUDGE LESLIE E. KOBAYASHI)(shm)</p> <hr/> <p>COURT'S CERTIFICATE of Service - Non-Registered CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF)  Modified on 10/23/2020 NEF regenerated to Ninth Circuit Court (emt, ). (Entered: 10/09/2020)</p>
10/09/2020		<p>COURT'S CERTIFICATE of Service - a copy of ECF No. <a href="#">48</a> EO: COURT ORDER REGARDING PLAINTIFF'S OCTOBER 6, 2020 SUBMISSIONS and Plaintiff's documents titled "Motion Emergency Hearing" and "Motion to Move 20CV00280 LEKKJM" were <b>served by First Class Mail to the Ninth Circuit Court of Appeals on October 9, 2020.</b> (emt, ) Modified on 10/23/2020 NEF regenerated to the Ninth Circuit Court of Appeal (emt, ). (Entered: 10/09/2020)</p>
10/09/2020	<a href="#">49</a>	<p>Correspondence re: copies of "Motion Emergency Hearing" <a href="#">USCA No. 20-73167</a> and "Motion to Move 20CV00280LEK-KJM" received by overnight filing on 10/6/2020 and forwarded to the Ninth Circuit Court of Appeals pursuant to ECF No. <a href="#">48</a> Minute Order. (Attachments: # <a href="#">1</a> "Motion to Move 20CV00280LEK-KJM") (emt, ) Modified on 10/23/2020 NEF regenerated to Ninth Circuit Court (emt, ). (Entered: 10/09/2020)</p>
10/10/2020	50	<p>EO: Pursuant to the Temporary General Order issued by Chief Judge Seabright on October 9, 2020. The in person hearing scheduled for Friday 10/23/2020 at 10:30am will be held by video conference.</p> <p>The Courtroom manager will provide participants with the instructions and information to connect by video in advance of the scheduled video conference. Participants must connect to the conference at least ten (10) minutes prior to the scheduled start time of the hearing.</p> <p>(JUDGE LESLIE E. KOBAYASHI) (afe)</p> <hr/> <p>COURTS CERTIFICATE of Service - Non-Registered CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF)  (Entered: 10/10/2020)</p>



10/12/2020	<a href="#">52</a>	Third Answer Didn't Request TRO Answer Two Part Default Judgment Not to Dismiss re <a href="#">47</a> FINDINGS AND RECOMMENDATIONS - filed by Khistina Caldwell De Jean. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> copy of envelope)(emt, ) (Entered: 10/14/2020)
10/13/2020	<a href="#">51</a>	MEMORANDUM in Opposition re <a href="#">32</a> MOTION for Hearing, <a href="#">45</a> MOTION to Stop Hearing filed by Scott Nago. (Attachments: # <a href="#">1</a> Declaration of Kristen Uyeda, # <a href="#">2</a> Certificate of Service)(Tanigawa, Lori) (Entered: 10/13/2020)
10/13/2020	<a href="#">53</a>	TRANSCRIPT REQUEST - by Khistina Caldwell De Jean. (Attachments: # <a href="#">1</a> Exhibit 3, # <a href="#">2</a> Exhibit 4)(emt, ) (Entered: 10/14/2020)
10/15/2020	<a href="#">54</a>	EO: COURT ORDER DENYING PLAINTIFF'S OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S FINDINGS AND RECOMMENDATION TO DENY PLAINTIFF'S EX PARTE MOTION FOR DEFAULT JUDGMENT  (JUDGE LESLIE E. KOBAYASHI)(shm)  <small>COURT'S CERTIFICATE of Service - Non-Registered CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF)</small> (Entered: 10/15/2020)
10/16/2020	55	EO: Video conference hearing on <a href="#">32</a> Plaintiff's Motion for Emergency Hearing and <a href="#">39</a> Defendant Scott Nago's Motion to Dismiss with Prejudice set for 10/23/2020 is hereby VACATED.  (JUDGE LESLIE E. KOBAYASHI)(rlfh)  <small>COURTS CERTIFICATE of Service - Non-Registered CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF)</small> (Entered: 10/16/2020)
10/16/2020	<a href="#">56</a>	Additional Exhibits to <a href="#">32</a> MOTION for Emergency Hearing ("Answering KD hearing 10/23/2020") - filed by Khistina Caldwell De Jean. (Attachments: # <a href="#">1</a> Mailing Documentation)(emt, ) (Entered: 10/19/2020)
10/19/2020	<a href="#">57</a>	ORDER GRANTING IN PART AND DENYING IN PART <a href="#">39</a> MOTION TO DISMISS; DENYING <a href="#">32</a> MOTION FOR HEARING. Signed by JUDGE LESLIE E. KOBAYASHI on 10/19/2020. (kob2, )  <small>COURTS CERTIFICATE of Service - Non-Registered CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF)</small> (Entered: 10/19/2020)
10/20/2020	<a href="#">58</a>	Additional Exhibits (Exhibit 96) - filed by Khistina Caldwell De Jean. (Attachments: # <a href="#">1</a> Exhibit 87, # <a href="#">2</a> Exhibit 89, # <a href="#">3</a> Exhibit 90, # <a href="#">4</a> Exhibit 91, # <a href="#">5</a> Exhibit 92, # <a href="#">6</a> Exhibit 93, # <a href="#">7</a> Exhibit 94, # <a href="#">8</a> copy of envelope)(emt, ) (Entered: 10/21/2020)
10/23/2020	<a href="#">59</a>	NOTICE OF INTERLOCUTORY APPEAL - by Khistina Caldwell De Jean. Filing fee \$ DUE/ IFP Granted, see ECF No. <a href="#">5</a> <b>USCA NO. 20-17112</b> (emt, ) Modified on 10/26/2020 (emt, ). (Entered: 10/26/2020)
10/26/2020	<a href="#">60</a>	USCA Case Number 20-17112 for <a href="#">59</a> Notice of Interlocutory Appeal filed by Khistina Caldwell De Jean. (emt, )  <small>COURT'S CERTIFICATE of Service - Khistina Caldwell De Jean served by First Class Mail to the address of record listed on the Notice of Electronic Filing (NEF) on October 26, 2020. Registered Participants of CM/ECF received the document electronically to the email addresses listed on the Notice of Electronic Filing (NEF).</small> (Entered: 10/26/2020)

10/26/2020	<a href="#">61</a>	<p><b>Attorney/Pro Se Appeal Packet</b> re <a href="#">59</a> Notice of Interlocutory Appeal filed by Khistina Caldwell De Jean, USCA NO. 20-17112. (Attachments: # <a href="#">1</a> Notice of Interlocutory Appeal, # <a href="#">2</a> Instructions for Civil Appeals, # <a href="#">3</a> Additional Instructions for Transcript Designation and Ordering Form, # <a href="#">4</a> Letter Re: Court Reporters, # <a href="#">5</a> Transcript Designation and Ordering Form, # <a href="#">6</a> Docket Sheet) (emt, )</p> <hr/> <p style="text-align: center;">COURT'S CERTIFICATE of Service -</p> <p style="text-align: center;">Khistina Caldwell De Jean served by First Class Mail to the address of record listed on the Notice of Electronic Filing (NEF) on October 26, 2020. Registered Participants of CM/ECF received the document electronically to the email addresses listed on the Notice of Electronic Filing (NEF).</p> <p>(Entered: 10/26/2020)</p>
10/26/2020	<a href="#">62</a>	<p>USCA Case Number 20-73167 for Writ of Mandamus, filed by Khistina Caldwell De Jean. (Attachments: # <a href="#">1</a> Writ of Mandamus, # <a href="#">2</a> Docket Sheet, 20-73167) (emt, ) (Entered: 10/27/2020)</p>
10/27/2020	<a href="#">63</a>	<p>ORDER of USCA as to USCA NO. 20-73167 (Petition Writ of Mandamus) re <a href="#">62</a> filed by Khistina Caldwell De Jean: The petition for writ of mandamus is denied. (emt, )</p> <hr/> <p style="text-align: center;">COURT'S CERTIFICATE of Service -</p> <p style="text-align: center;">Khistina Caldwell De Jean served by First Class Mail to the address of record listed on the Notice of Electronic Filing (NEF) on October 28, 2020. Registered Participants of CM/ECF received the document electronically to the email addresses listed on the Notice of Electronic Filing (NEF).</p> <p>(Entered: 10/28/2020)</p>
10/27/2020	<a href="#">64</a>	<p>Mail Returned as Undeliverable. Mail sent to Khistina Caldwell De Jean at P. O. Box 3343, Houston, TX 77253 returned undelivered. <i>The undelivered mail was resent to Khistina Caldwell De Jean at P. O. Box 1944 Kailua, HI 96734.</i> (Attachments: # <a href="#">1</a> Clerk's Letter, # <a href="#">2</a> Order Granting Motion to "Proceed With Out Paying", # <a href="#">3</a> Order Setting Rule 16 and Complaint, # <a href="#">4</a> Summons issued, # <a href="#">5</a> Civil Waiver of Service Packet, # <a href="#">6</a> USM - 285 form) (emt, ) (Entered: 10/30/2020)</p>
10/30/2020	<a href="#">65</a>	<p>Subsequent NOTICE OF APPEAL re <a href="#">59</a> - by Khistina Caldwell De Jean. Filing fee \$DUE/IFP Granted, see ECF No. <a href="#">5</a> . (emt, ) (Entered: 10/31/2020)</p>
11/02/2020	<a href="#">66</a>	<p>MEMORANDUM re <a href="#">57</a> Order on Motion to Dismiss,, Order on Motion for Hearing, filed by Scott Nago. (Attachments: # <a href="#">1</a> Appendix A, # <a href="#">2</a> Declaration of Wilma Akiona, # <a href="#">3</a> Declaration of Pearlene Otto, # <a href="#">4</a> Declaration of Raynette Yap, # <a href="#">5</a> Declaration of Iris Murakami, # <a href="#">6</a> Certificate of Service)(Tanigawa, Lori) (Entered: 11/02/2020)</p>
11/02/2020	<a href="#">67</a>	<p>ANSWER to <a href="#">1</a> Complaint, by Scott Nago. (Attachments: # <a href="#">1</a> Certificate of Service) (Tanigawa, Lori) (Entered: 11/02/2020)</p>
11/09/2020	<a href="#">68</a>	<p>Motion to Recall President Election 2020 6 Day Rule Emergency - filed by Khistina Caldwell De Jean. (emt, ) (Entered: 11/10/2020)</p>
11/10/2020	<a href="#">69</a>	<p>Additional Exhibits to <a href="#">68</a> Motion Recall Election 2020 60 Day Rule Emergency - filed by Khistina Caldwell De Jean. (Attachments: # <a href="#">1</a> Exhibit 000, # <a href="#">2</a> Exhibit 00, # <a href="#">3</a> Exhibit 0, # <a href="#">4</a> Exhibit 1, # <a href="#">5</a> Exhibit 2, # <a href="#">6</a> Exhibit 3, # <a href="#">7</a> Exhibit 4, # <a href="#">8</a> Exhibit 5, # <a href="#">9</a> Exhibit 6, # <a href="#">10</a> Exhibit 7, # <a href="#">11</a> Exhibit 8)(emt, ) (Entered: 11/12/2020)</p>
11/17/2020	<a href="#">70</a>	<p>MEMORANDUM in Opposition to <i>Plaintiff's Motion Recall President Election 2020 6 Day Rule Emergency (Dkt. <a href="#">68</a> )</i>, as Supplemented by Additional Exhibits (Dkt. <a href="#">69</a> ) filed by Scott Nago. (Attachments: # <a href="#">1</a> Certificate of Service)(Tanigawa, Lori) Modified on 11/19/2020 (emt, ). (Entered: 11/17/2020)</p>
11/18/2020	<a href="#">71</a>	<p>CERTIFICATE OF SERVICE by Scott Nago re <a href="#">66</a> Memorandum, <a href="#">67</a> Answer to Complaint (Tanigawa, Lori) (Entered: 11/18/2020)</p>

11/23/2020

[72](#)**EO: COURT ORDER SETTING DEADLINE FOR OPTIONAL IN SUPPORT OF MOTION RECALL PRESIDENT ELECTION 2020 6 DAY RULE EMERGENCY HEARING**

On November 9, 2020, pro se Plaintiff Khistina Caldwell De Jean ("Plaintiff") filed a document titled Motion Recall President Election 2020 6 Day Rule Emergency Hearing" ("Motion"). [Dkt. no. [68](#) .] Plaintiff also filed additional exhibits in support of the Motion on November 10, 2020. [Dkt. no. [69](#) .] Defendant Scott Nago, in his official capacity as Chief Election Officer of the State of Hawai'i ("Defendant"), filed a memorandum in opposition to the Motion ("Opposition") on November 17, 2020. [Dkt. no. [70](#) .] The Court finds the Motion suitable for disposition without a hearing, pursuant to Local Rule 7.1(c).

If Plaintiff chooses to file the optional reply in support of the Motion, she do so by **December 4, 2020**. The Motion will be taken under advisement thereafter.

(JUDGE LESLIE E. KOBAYASHI) (afe)

---

COURTS CERTIFICATE of Service - Non-Registered CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF)

(Entered: 11/23/2020)