

Of Counsel:

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Attorney for Defendants

JACQUELINE J. FRAME; KONA NOW LLC,

dba KONA NOW REALTY [sic] (KONA NOW HAWAII REALTY) and

KONA NOW HAWAII ISLAND RENTALS

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CIVIL NO. 1:24-cv-00353-MWJS-WRP
	)	
Plaintiff,	)	STIPULATION TO SET ASIDE
	)	ENTRY OF DEFAULT [DKT. 14]
vs.	)	AGAINST DEFENDANTS
	)	JACQUELINE J. FRAME; KONA
KAILUA VILLAGE	)	NOW LLC, DBA KONA NOW
CONDOMINIUM ASSOCIATION;	)	REALTY AND KONA NOW HAWAII
RON ZENTNER; CERTIFIED	)	ISLAND RENTALS; ORDER
MANAGEMENT, INC., DBA	)	
ASSOCIA HAWAII; BENJAMIN	)	
WILLOUGHBY; BRUCE STERN;	)	
DEBORAH STERN; JACQUELINE	)	
J. FRAME; AND KONA NOW LLC,	)	
DBA KONA NOW REALTY AND	)	
KONA NOW HAWAII ISLAND	)	
RENTALS,	)	
	)	
Defendants.	)	
	)	

1036-001/Stip to Set Aside Default

STIPULATION TO SET ASIDE ENTRY OF
DEFAULT [DKT. 14] AGAINST DEFENDANTS
JACQUELINE J. FRAME; KONA NOW LLC, DBA
KONA NOW REALTY AND KONA NOW HAWAII ISLAND RENTALS

IT IS STIPULATED AND AGREED, by and between the parties appearing in this action by Plaintiff UNITED STATES OF AMERICA (“USA”) and Defendants JACQUELINE J. FRAME (“Frame”), KONA NOW LLC, dba KONA NOW REALTY [sic] (KONA NOW HAWAII REALTY) and KONA NOW HAWAII ISLAND RENTALS (“Kona Now”, and collectively with Frame, “Defendants”), through their undersigned counsel, that the Entry of Default [Dkt. 14] against Defendants is set aside.

WHERE AS, on September 18, 2024, Defendants informed their counsel that one of them had been served with a summons and complaint that day but did not provide counsel with a copy of them.

WHEREAS on September 23, 2024, Defendants informed counsel that the remaining Defendants were just served and provided a copy of the papers they were served with. The due date for an Answer was calendared in accordance with the September 23, 2024 service date.

WHEREAS, on October 10, 2024 at 6:53 p.m., Defendants requested a two-

week extension to file an Answer to the Complaint due to Defendants' unavailability to respond to questions regarding the Answer;

WHEREAS, on October 11, 2024, at 7:01 a.m., Defendants revised their request to a one-week extension to file their Answer.

WHEREAS, on October 11, 2024, Plaintiffs informed Defendants' counsel that because service was perfected on September 12, 2024, and counsel had not responded to repeated requests to meet and confer in advance of the Rule 16 Scheduling Conference, default had been entered, but that Plaintiff was amenable to a stipulation setting aside the default and a two week continuance from the date the answer was originally due;

WHEREAS, Defendants' counsel had not made an appearance in this matter and was unaware of documents being filed in this case;

WHEREAS, for good cause shown, the Entry of Default entered on October 11, 2024 [DKT 14] against Defendants is hereby set aside.

Defendants shall file an answer to the Complaint [Dkt. 1] within seven (7) days after entry of the Court's Order on this stipulation.

DATED: Honolulu, Hawaii, October 16, 2024.

CLARE E. CONNORS
United States Attorney
District of Hawaii

By /s/ Dana A. Barbata
DANA A. BARBATA
Assistant U.S. Attorney

Attorneys for Plaintiff
UNITED STATES OF AMERICA

/s/ Shannon L. Wack
SHANNON L. WACK
Attorney for Defendants
JACQUELINE J. FRAME,
KONA NOW LLC, dba KONA NOW
REALTY [sic] KONA NOW HAWAII
REALTY and KONA NOW HAWAII
ISLAND RENTALS

APPROVED AND SO ORDERED.

DATED, HONOLULU, HAWAII, OCTOBER 18, 2024.



A handwritten signature in black ink, appearing to be "Wes Reber Porter".

Wes Reber Porter
United States Magistrate Judge