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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA

Plaintiff,

vs.

KAILUA VILLAGE
CONDOMINIUM ASSOCIATION;
RON ZENTNER; CERTIFIED
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.

Civil No. 24- 00353 MWJS-WRP

PLAINTIFF UNITED STATES OF
AMERICA’S RENEWED REQUEST
FOR ENTRY OF DEFAULT
AGAINST DEFENDANTS
JACQUELINE J. FRAME, KONA
NOW LLC DBA KONA NOW
REALTY AND KONA NOW
HAWAII ISLAND RENTALS;
DECLARATION OF DANA A.
BARBATA; EXHIBIT “1”;
CERTIFICATE OF SERVICE

PLAINTIFF UNITED STATES OF AMERICA’S RENEWED REQUEST FOR
ENTRY OF DEFAULT AGAINST DEFENDANTS JACQUELINE J. FRAME,
KONA NOW LLC DBA KONA NOW REALTY AND
KONA NOW HAWAII ISLAND RENTALS

Pursuant to Fed. R. Civ. P. 55(a), Plaintiff United States of America (“United States”) hereby requests that the Clerk of the Court enter default against defendants Jacqueline J. Frame (“Frame”), Kona Now LLC DBA Kona Now Realty and Kona Now Hawaii Island Rentals (“Kona Now” and together with Frame “Defendants”) for failure to plead or otherwise defend against the Complaint. In support of its request, the United States avers as follows:

1. The United States commenced this action against Defendants by filing a Complaint on August 19, 2024. ECF No. 1.
2. Prior to filing the Complaint, the United States had engaged in extensive correspondence with Defendants’ counsel, Shannon Wack, Esq., in attempts to resolve this matter without litigation. When it became apparent that resolution would not be possible, the United States asked twice if counsel would accept service on Defendants’ behalf. Counsel did not respond to either request.
3. After the Complaint was filed, and after it was served, counsel continued to correspond by email. The United States informed Ms. Wack that if a resolution could not be reached, the United States would proceed with contested litigation, reminded her of obligations and deadlines under the Federal Rules of Civil Procedure, and requested meet and confers on September 24, September 27,

October 1, twice on October 2, and October 8, 2024. Ms. Wack responded to other matters included in the emails, but did not respond to the United States' requests to meet and confer.

4. The Complaint was served on Frame and Kona Now on September 12, 2024. ECF Nos. 11 and 12.

5. Consequently, Ms. Wack was required to appear and/or otherwise plead in response to the Complaint no later than October 3, 2024. *See* Fed. R. Civ. P. Rule 12(a)(1)(A)(i) and ECF Nos. 11 and 12.

6. To date, Ms. Wack has not filed an answer or otherwise responded to the Complaint or appeared in any other manner before the Court in this matter. *See generally* Docket for Case No. 1:24-cv-00353 MWJS-WRP.

7. Therefore, Defendants have not filed a responded pleading and have defaulted.

8. Ms. Frame is not an active member of the armed forces, an infant, or incompetent person.

9. According to the State of Hawaii, Department of Commerce and Consumer Affairs website, Kona Now, Kona Now Hawaii Island Rentals, and Kona Now Hawaii Realty maintain active business registrations. *See* <https://hbe.hawaii.gov/documents/search.html>, (last visited October 10, 2024).

10. The United States requested entry of default on October 10, 2024. It was granted later that day.

11. The parties thereafter stipulated to set aside the default. ECF No. 16. Per the Court's Order dated October 18, "Defendants shall file answer to the Complaint [Dkt. 1] within seven (7) days after entry of the Court's Order on this Stipulation. *Id.*

12. Accordingly, the deadline for Defendants to file their response was October 25, 2024. As of today, Defendants have not responded to the Complaint or otherwise sought an extension.

Based on the foregoing, and pursuant to Federal Rules of Civil Procedure Rule 55(a), The United States requests the Clerk of the Court enter default against Defendants Jacqueline J. Frame and Kona Now LLC DBA Kona Now Realty and Kona Now Hawaii Island Rentals.

DATED: October 30, 2024, at Honolulu, Hawaii.

CLARE E. CONNORS
United States Attorney
District of Hawaii

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

Attorneys for Plaintiff
UNITED STATES OF AMERICA

CERTIFICATE OF SERVICE

I hereby certify that, on this date and by the method of service noted below,
a true and correct copy of the foregoing was served on the following at their last
known address:

Served Electronically via CM/ECF:

SHANNON L. WACK, ESQ. Swack@rlhlaw.Com
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Honolulu, HI 96813-3917

Attorneys for Defendants
JACQUELINE J. FRAME
KONA NOW LLC, DBA KONA NOW REALTY AND KONA NOW HAWAII
ISLAND RENTALS,

DATED: October 30, 2024, at Honolulu, Hawaii.

/s/ Dana A. Barbata

U. S. Attorney's Office
District of Hawaii