NO. SCWC-13-0000806

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

DIANE CERVELLI and TAKEO BUFFORD, Respondents/Plaintiffs-Appellees, and WILLIAM D. HOSHIJO, as Executive Director of the Hawai‘i Civil Rights Commission, Respondent/Intervenor-Appellee, vs. ALOHA BED & BREAKFAST, a Hawai‘i sole proprietorship, Petitioner/Defendant-Appellant.	NO. CAAP-13-000806 CIVIL NO. 11-1-3103-12 ECN APPEAL FROM THE JUDGMENT ON APPEAL FILED: MARCH 20, 2018

RESPONDENTS/PLAINTIFFS-APPELLEES' RESPONSE TO APPLICATION OF PETITIONER/DEFENDANT-APPELLANT ALOHA BED & BREAKFAST FOR A WRIT OF CERTIORARI TO REVIEW THE FEBRUARY 23, 2018 OPINION OF THE INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAI‘I AND ITS MARCH 20, 2018 JUDGMENT ON APPEAL

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INTRODUCTION

Petitioner Aloha Bed & Breakfast ("Aloha B&B") seeks statutory and constitutional protection for its undisputed discrimination against Respondents Diane Cervelli and Taeko Bufford ("Plaintiffs") based on their sexual orientation. The Intermediate Court of Appeals (ICA) correctly found that no such protection exists. Aloha B&B's discriminatory conduct falls squarely within the heart of what the public accommodations law forbids, and the State has a compelling interest in prohibiting such conduct because of the harms it inflicts on both the individuals targeted and society at large. The ICA did not commit a grave error of law or fact, nor did it create obvious inconsistencies with other appellate authority, as required to warrant this Court's review. To the contrary, the ICA's decision is grounded in well-established precedent that has rejected similar constitutional challenges that would undermine civil rights protections for all.

SHORT STATEMENT OF THE CASE

Aloha B&B is a commercial business located in Hawai'i Kai that provides overnight lodging to transient guests. Its proprietor is Phyllis Young, who chooses to operate the business out of the house where she also resides. Aloha B&B solicits the general public to patronize its business, and it serves between 100 to 200 customers annually. The median length of stay is four to five nights, and more than 95 percent of customers stay for less than two weeks.

In 2007, Ms. Cervelli and Ms. Bufford, who are lesbian women, sought to book a six-night reservation with Aloha B&B. When Ms. Cervelli called to book the reservation, Ms. Young asked if anyone else would be staying in the room, and then asked for the second person's name. When Ms. Cervelli responded with words to the effect of "her name is Taeko Bufford," Ms. Young asked, "Are you lesbians?" ROA[1] 698, 757-58, 884. Although shocked by the question, Ms. Cervelli responded that they were. Ms. Young then refused to proceed with the reservation, stating that she would feel very uncomfortable having lesbians in her house.

Humiliated and distressed by what had happened, Ms. Cervelli called Ms. Bufford in tears. Ms. Bufford then contacted Ms. Young and asked, "is it because we are lesbians that you will not rent to us?" to which Ms. Young replied, "Yes." ROA 715, 759-60, 884. Ms. Young stated that she felt uncomfortable providing a room to homosexuals, citing her personal religious views. Aloha B&B admits that the sole reason it refused accommodation to Ms. Cervelli and

[1] ROA refers to the Record on Appeal before the ICA.

Ms. Bufford was because of their sexual orientation. ROA 759, 870.

Ms. Cervelli and Ms. Bufford subsequently complained to the Hawai‘i Civil Rights Commission ("HCRC"). During the HCRC's investigation, Ms. Young explained her religious belief that same-sex relationships are "detestable" and "defile our land." ROA 886-87, 766. Ms. Young also believes that homosexuality "must be seen as an objective disorder." ROA 781-782.

STANDARD OF REVIEW

A writ for certiorari requires that an applicant show "[g]rave errors of law or of fact" in the ICA decision or "[o]bvious inconsistencies in the decision of the intermediate appellate court with that of the supreme court, federal decisions, or its own decision[.]" Hawai‘i Revised Statutes (HRS) § 602-59; *accord State v. Augustin*, 101 Hawai‘i 127, 63 P.3d 1097 (2002) (dismissing writ for certiorari as improvidently granted because ICA decision contained no "grave" errors of law or fact and was not "obviously" inconsistent with other appellate case law). Aloha B&B has failed to make either required showing.

ARGUMENT

I. The ICA Did Not Gravely Err in Affirming that Aloha B&B Violated the Public Accommodations Law, Which Contains No "Mrs. Murphy" Exemption.

The ICA correctly found that Aloha B&B was subject to, and violated, the public accommodations law because it undisputedly is an "establishment that provides lodging to transient guests[.]" HRS § 489-2. Contrary to Aloha B&B's argument, the plain language of the public accommodations law confirms that it contains no "Mrs. Murphy" exemption.[2]

Indeed, as the ICA opinion powerfully illustrated in a side-by-side comparison of state and federal law, the Hawai‘i Legislature chose to depart from Title II of the Civil Rights Act of 1964, the federal public accommodations law upon which the state law was modeled, in a critical respect. ICA Op. at 15. While the federal law contains a Mrs. Murphy exemption, that exemption was "conspicuously omitted" from state law. *Id.*; *compare* 42 U.S.C. § 2000a(b)(1) (exempting "an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his

[2] "Mrs. Murphy" was a hypothetical widow, imagined by Congress in the 1960s, who rented out a small number of rooms in her house to supplement her income and wished to discriminate on the basis of race. It is also referred to as a "tight living" exemption in Hawai‘i. ICA Op. at 16. The exemption from housing discrimination applies to the rental of up to four rooms in a housing accommodation by an owner or lessor who also resides in the accommodation. HRS § 515-4.

residence") *with* HRS § 489-2 (omitting any such language). Aloha B&B offers no explanation for how its interpretation of the state public accommodations law can be reconciled with this stark omission. Nor can the doctrine of constitutional doubt—which only applies where a *reasonable* construction of a statute would avoid "grave and doubtful" constitutional questions—justify writing in an exemption to the public accommodation law that the Hawai‘i Legislature deliberately elected to omit. *State v. Jess*, 117 Hawai‘i 381, 399-400, 184 P.3d 133, 151 (2008).

Aloha B&B also cannot cure this deficiency by lifting the Mrs. Murphy exemption from the housing law and inserting it into the public accommodations law. First, Plaintiffs only asserted a claim under the public accommodations law. The existence of an exemption to liability from the *housing* law thus has no bearing upon the only claim actually at issue here.

Second, there is no "irreconcilable conflict" between the public accommodations and housing law. There would only be a conflict if the Mrs. Murphy exemption in HRS § 515-4 created an *affirmative* right to engage in the conduct at issue. But the Mrs. Murphy exemption in HRS § 515-4 merely creates an exemption for liability *from the housing law*—not from any other law. An exemption in one antidiscrimination law does not give defendants "*carte blanche* to violate all other antidiscrimination laws" and instead "only exempts them from the particular provisions" at issue. *Watson v. Fraternal Order of Eagles*, 915 F.2d 235, 240 (6th Cir. 1990).

Third, even if it were necessary to reach the issue, the ICA correctly held that one law, HRS § 489-2 (the law relied upon by Plaintiffs), addresses transient accommodations, whereas the other, HRS § 515-4, addresses housing accommodations. That distinction is supported by textual differences between the statutes, by legislative history, and by the principle of construing nondiscrimination laws liberally while construing exceptions to liability narrowly. ICA Op. at 16-17. As evidenced by the promulgation of separate and distinct laws, the Hawai‘i Legislature plainly chose to regulate housing and transient accommodations differently; and, the Legislature reasonably chose to do so, recognizing that living with a roommate raises different considerations than lodging a transient guest. Aloha B&B complains that a distinction between the two would not be administrable, but that distinction is already made by the public accommodations law, which prohibits discrimination by providers of lodging to "transient" guests. HRS § 489-2. And, as this case illustrates, there is no difficulty in identifying indisputably transient guests like Ms. Cervelli and Ms. Bufford, who sought only a six-night stay. Aloha B&B provided transient accommodations, as a business, not housing to roommates.

Finally, the circuit court also correctly found that Aloha B&B constitutes "[a] facility providing services relating to travel or transportation" under HRS § 489-2, given that it serves travelers. This constitutes a separate and independent basis for Aloha B&B's liability under the public accommodations law, which Aloha B&B did not challenge in its appeal to the ICA.

II. Aloha B&B's Newfound Equal Protection and Due Process Defenses Have No Merit.

None of Aloha B&B's constitutional attacks against the public accommodations law have any merit. Aloha B&B's main argument on appeal is that application of the law here would violate its equal protection and due process rights. As a threshold matter, this argument was not adequately raised and preserved below; and, instead, introduced for the first time on appeal. Nowhere in its opposition to Plaintiffs' motion for summary judgment did Aloha B&B ever argue that it would violate equal protection and due process to create a Mrs. Murphy exemption in the housing law but to omit it from the public accommodations law. *See* ROA 1245-71; *see also* ROA 361-63, 841-42.

In any event, the conduct covered under the Mrs. Murphy exemption in the housing law does not constitute "the same act committed under the same circumstances" as the conduct regulated by the public accommodations law.[3] *See* App. at 5. Selecting a roommate with whom to live is not "the same act" as providing lodging to transient guests. To illustrate, Ms. Young often cannot even recall the names of customers shortly after they leave, ROA 1407; whereas, there is generally much greater familiarity with the few individuals one may have as roommates. And because there is no fundamental right or suspect classification at issue here implicating heightened scrutiny under due process or equal protection, the only question is whether the State has a rational basis for treating housing and transient lodging differently—and it unquestionably does. Aloha B&B disagrees with where the State has drawn the line, insisting that "[i]t makes no difference if [a] rental is for three weeks or three months," App. at 6, but that routine legislative line-drawing does not violate rational basis review. *See Nagle v. Board of Educ.*, 63 Haw. 389, 397, 629 P.2d 109, 115 (1981).

[3] The authority relied upon by Aloha B&B for this argument, *State v. Modica*, 58 Haw. 249, 251, 567 P.2d 420, 422 (1977), is limited to the criminal context, and even there, it only applies "where the same act committed under the same circumstances is punishable either as a felony or as a misdemeanor." *Id.* Indeed, *Modica* also cautioned that "[s]tatutes may on occasion overlap, depending on the facts of a particular case, but it is generally no defense to an indictment under one statute that the accused might have been charged under another." *Id.* (holding that two statutes at issue required proof of different elements) (citations omitted).

Aloha B&B also asserts that it did not have the "slightest hint" that the public accommodations law would apply to its conduct, App. at 5, but that law is both broad and specific in its coverage. It is broad because it makes clear that it applies to "a business, accommodation, refreshment, entertainment, recreation, or transportation facility *of any kind*" and contains no Mrs. Murphy exemption. HRS § 489-2 (emphasis added). It is also specific because it provides "[b]y way of example, but not of limitation" a list of various places of public accommodation. *Id.* That list has included a prohibition on discrimination by "[a]n inn, hotel, motel, or other establishment that provides lodging to transient guests" since the enactment of the public accommodations law in 1986. *Id.* In fact, Aloha B&B recognized its obligation to pay transient accommodations tax precisely because it is a provider of transient accommodations. ROA 752, 1394. Although Aloha B&B argues that HRS § 489-2 should not apply to "private property like Young's family home," App. at 6, that property ceased being purely "private" when Aloha B&B elected to open itself up to the general public as customers.[4] ICA Op. at 20.

III. Regulation of Aloha B&B's Conduct as a Place of Public Accommodation Does Not Violate Any Right to Privacy or Intimate Association.

Whether framed in terms of privacy or intimate association, there is no constitutional right to discriminate in public accommodations merely because a proprietor chooses to operate her business from where she also resides. Notably, the constitutional right that Aloha B&B seeks to vindicate would, in its own words, authorize discrimination "for whatever reason," App. at 8, and it is not logically limited to the contours of the Mrs. Murphy exemption in the housing law, which applies to housing accommodations renting four or fewer rooms. Unsurprisingly, no court has ever held that a Mrs. Murphy exemption is constitutionally *mandated* in a public accommodations law, and such a holding would invalidate many other states' public accommodations laws beyond that of Hawai'i.[5]

[4] For that simple reason, Aloha B&B's contention that the HCRC website explained that the public accommodations law extends to include public property has no relevance. The circuit court also correctly rejected Aloha B&B's untimely attempt to introduce it after the completion of summary judgment briefing. Mar. 28, 2013 Tr., ICA JEFS Doc. No. 12, at 35-36.

[5] *See* David Forman, *A Room for 'Adam and Steve' at Mrs. Murphy's Bed and Breakfast: Avoiding the Sin of Inhospitality in Places of Public Accommodation*, 23 Colum. J. Gender & L. 326, 365-66 nn.174 & 177 (2012) (surveying 21 states that bar sexual orientation discrimination

With respect to a right to privacy, the ICA did not gravely err in recognizing that "to the extent that Young has chosen to operate her bed and breakfast business from her home, she has voluntarily given up the right to be left alone." ICA Op. at 20. It is well-settled law that "'[t]he more an owner, for [her] advantage, opens up [her] property for use by the public in general, the more do [her] rights become circumscribed by the statutory and constitutional rights of those who use it.'" *Id.* (quoting *State v. Viglielmo*, 105 Hawai'i 197, 206, 95 P.3d 952, 961 (2004)).

Furthermore, a right to privacy does not protect conduct that harms third parties. Each person has "the right to control certain highly personal and intimate affairs of his own life . . . *as long as his act does not endanger others*[.]" *State v. Kam*, 69 Haw. 483, 492, 748 P.2d 372, 378 (1988) (internal quotation marks omitted; emphasis added). There is no privacy right when a person's "actions affect the general welfare—that is, where others are harmed or likely to be harmed." *Id.* Because, as discussed below, the public accommodations law is tailored to prevent significant harm to third parties, Aloha B&B has no privacy right precluding its application.

With respect to a right of intimate association, the ICA did not gravely err in holding that the relationship between a commercial business provider of transient lodging and its guests is not one of constitutional dimension. In determining whether a relationship is constitutionally protected, courts examine factors such as "the group's size, its congeniality, its duration, the purposes for which it was formed, and the selectivity in choosing participants." *IDK, Inc. v. County of Clark*, 836 F.2d 1185, 1193 (9th Cir. 1988). Here, hundreds of customers have patronized Aloha B&B; the majority of Aloha B&B's customers stay for less than a week; the purpose for both the business and its customers is to engage in a commercial transaction exchanging money for transient lodging; and the business makes its offerings available to the general public. ICA Op. at 22-23.

Contrary to Aloha B&B's assertions, the State of Hawai'i does not force Ms. Young to reveal to third parties "her comings and goings," "the music she listens to," or "the television programs she watches." App. at 8. It is *Ms. Young* who chooses to share these aspects of her life with third parties by electing to operate a commercial business from the house where she also resides. Similarly, Ms. Young is free to limit customers to certain areas of the house, or to bar them from using the computer in her bedroom, or to impose any other nondiscriminatory

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in public accommodations and finding that the vast majority have *not* adopted a Mrs. Murphy exemption in their public accommodations laws).

restrictions on customers. *Cf.* App. at 3. And while a right of intimate association may not be limited to only familial relationships, the ICA correctly recognized that such relationships offer a relevant guidepost for identifying "deep attachments and commitments." ICA Op. at 23. The relationship between a bed and breakfast and its transient customers does not remotely resemble a relationship of deep attachment and commitment.

IV. Application of the Public Accommodations Law Does Not Violate the Free Exercise of Religion.

The ICA did not gravely err in holding that neither the federal nor state free exercise clauses confer a defense to violation of the public accommodations law. First, the public accommodations law is constitutional under the federal free exercise clause, because it is a neutral law of general applicability that does not target religion. In *Employment Division, Dept. of Human Resources of Oregon v. Smith*, 494 U.S. 872 (1990), the U.S. Supreme Court held that "the right of free exercise does not relieve an individual of the obligation to comply with a 'valid and neutral law of general applicability on the ground that the law proscribes (or prescribes) conduct that his religion prescribes (or proscribes).'" *Id.* at 879 (citations omitted)

More recently, in *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Comm'n*, -- S. Ct. --, 2018 WL 2465172, at *7 (June 4, 2018), the U.S. Supreme Court reaffirmed that principle: "while [] religious and philosophical objections are protected, it is a general rule that such objections do not allow business owners and other actors in the economy and in society to deny protected persons equal access to goods and serves under a neutral and generally applicable public accommodations law." Federal precedent "make[s] clear" that the conduct of a person "in his capacity as the owner of a business serving the general public" can be limited by generally applicable laws. *Id.* at *3; *accord Brush & Nib Studio, LC v. City of Phoenix,* -- P.3d --, 2018 WL 2728317, at *4 (Ariz. Ct. App., June 7, 2018).

For the first time on appeal, Aloha B&B argues that the public accommodations law is not "generally applicable" under free exercise analysis because the *housing law* contains a Mrs. Murphy exemption. App. at 10. But that is a *non sequitur*, because the public accommodations law is the law at issue here. Moreover, as discussed above, the State is entitled to treat different things (housing and public accommodations) differently. Aloha B&B also invokes the so-called "hybrid rights" theory as a basis for heightened scrutiny under the federal free exercise clause, arguing that the combination of a "colorable" free exercise defense and another "colorable"

constitutional defense—even if unmeritorious standing alone—results in complete defense. App. at 10. But courts have rejected that theory. *See Jacobs v. Clark Cty. Sch. Dist.*, 526 F.3d 419, 440 n.45 (9th Cir. 2008). It also requires the establishment of another colorable constitutional defense independent of the free exercise clause, which is absent here.

Second, the public accommodations law also does not violate the state free exercise clause. As an initial matter, Aloha B&B cannot show a "substantial burden" on its free exercise rights. *State v. Armitage*, 132 Hawai'i 36, 60, 319 P.3d 1044, 1068 (2014) (finding no substantial burden where religious practices "did not have to take place" at particular disputed location). No religious belief compels Ms. Young to operate a bed and breakfast. She could also simply rent rooms for use as housing accommodation, as many people choose to do in order to attain a desired standard of living, and thereby avail herself of the Mrs. Murphy exemption in the housing law.[6]

In any event, even if Aloha B&B could establish a substantial burden on its free exercise rights, and even if this Court were to apply a higher level of scrutiny under the State free exercise clause than under the federal counterpart, the ICA did not gravely err in holding that application of the public accommodations law would survive any level of heightened scrutiny, including strict scrutiny. To begin, Aloha B&B does not deny that the State has a compelling interest in barring discrimination—including on the basis of sexual orientation—in places of public accommodation. Nor could it credibly do so given its position that "in places of public accommodation discrimination is a horrible evil." ICA Op. at 27.

Instead, Aloha B&B's sole argument is that the State has acted in an under-inclusive manner by prohibiting discrimination in places of public accommodation while also exempting Mrs. Murphy from the housing law. App. at 11-12. But the government may advance a compelling state interest in antidiscrimination while regulating different contexts differently. That is illustrated by the fact that both federal and state civil rights laws routinely employ different statutory schemes to prohibit discrimination in public accommodations versus housing versus employment—each having its own distinct scope of coverage. *See, e.g.*, HRS § 489-1 *et*

[6] There is no record support for Aloha B&B's assertion that without the income of the bed and breakfast, Ms. Young "will lose [her] home." App. at 1. To the contrary, Aloha B&B describes its profit as a "small amount of income," ROA 915, which supplements income that Ms. Young derives from other work, and, even as of 2012, Ms. Young had $650,000 of equity in her ocean-view property then valued at approximately $850,000. ROA 727, 732-33.

seq. (public accommodations); HRS § 515-1 *et seq.* (housing); HRS § 378-1 *et seq.* (employment); 42 U.S.C. § 2000a *et seq.* (public accommodations); 42 U.S.C. § 3601 *et seq.* (housing); 42 U.S.C. § 2000e-2 *et seq.* (employment).

Even within a particular context, the government can draw reasonable lines around what falls within or outside the ambit of regulation. The fact that Congress chose not to prohibit discrimination by employers with 15 or fewer employees in Title VII, and exempted other employers from its coverage, 42 U.S.C. § 2000e(b),[7] does not mean that the federal government has forfeited a compelling state interest in antidiscrimination. To the contrary, the U.S. Supreme Court has confirmed that the government "has a compelling interest in providing an equal opportunity to participate in the workforce without regard to race, and prohibitions on racial discrimination are *precisely tailored* to achieve that critical goal." *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751, 2783 (2014) (emphasis added).

Similarly, even setting aside "Mrs. Murphy," the federal public accommodations law does not prohibit discrimination in numerous settings not specifically enumerated by that law. *See, e.g.*, *Kalantar v. Lufthansa German Airlines*, 402 F. Supp. 2d 130, 139 (D.D.C. 2005); 42 U.S.C. § 2000a(b). But there can be no question that laws barring discrimination in public accommodations advance a compelling state interest. *See Roberts v. U.S. Jaycees*, 468 U.S. 609, 624 (1984); *New York. State Club Ass'n v. City of New York*, 487 U.S. 1, 4, 14 n.5 (1988) (upholding constitutionality of a public accommodations law, even though it exempted public educational facilities from coverage).

Finally, Aloha B&B argues that the State need not prohibit discrimination so long as the business refusing a person service simply "refers" that person to another business. It defies reality to suggest that the harms inflicted by discrimination are erased, as opposed to augmented, by telling an individual to go somewhere elsewhere. As this Court has recognized, a "'chief harm resulting from the practice of discrimination by establishments serving the general public is not the monetary loss of a commercial transaction or the inconvenience of limited access but, rather, the greater evil of unequal treatment, which is the injury to an individual's sense of self-worth and personal integrity.'" *State v. Hoshijo*, 102 Hawai'i 307, 317 n.22, 76 P.3d 550, 560 n.22 (2003) (quoting *King v. Greyhound Lines*, 656 P.2d 349, 352 (Or. Ct. App. 1982)); *see also*

[7] Title VII also contains an exemption allowing a religious corporation, association, educational institution, or society to discriminate on the basis of religion. 42 U.S.C. § 2000e-1.

Masterpiece Cakeshop, 2018 WL 2465172, at *7, *9 (rejecting religious exemptions that would "result[] in a community-wide stigma inconsistent with the history and dynamics of civil rights laws" and "impose a serious stigma on gay persons"). Indeed, this practice of "referring" individuals elsewhere is part of what public accommodations laws were enacted to stop. *See, e.g.*, *United States v. Lansdowne Swim Club*, 713 F. Supp. 785, 818 (E.D. Pa. 1989) (describing practice in which black prospective members of swim club were referred to a different swim club).

Here, the fact that Plaintiffs ultimately found transient lodging elsewhere (in a different location than where they needed to stay[8]) does not cure the indignity they endured when they were told they were unacceptable to be served like any other member of the general public simply because of their sexual orientation.

In sum, because the State's public accommodations law is narrowly tailored to serve a compelling government interest in eradicating discrimination, it survives any level of scrutiny. The decision of the ICA is consistent with those in other states, which have similarly held that prohibitions on discrimination based on sexual orientation in public accommodations serve important or compelling government interests and survive heightened scrutiny. *See, e.g.*, *Brush & Nib Studio*, 2018 WL 2728317, at *12-13; *Washington v. Arlene's Flowers*, 389 P.3d 543, 565-67 (Wash. 2017); *Gifford v. McCarthy*, 23 N.Y.S.3d 422, 430-31 (N.Y. App. at Div. 2016). All of Aloha B&B's constitutional defenses fail on this basis.

CONCLUSION

Aloha B&B has failed to show that the ICA gravely erred as a matter of law or fact, or that its decision was obviously inconsistent with other appellate authority, to merit this Court's review. If, however, this Court is nonetheless inclined to grant Aloha B&B's application, Respondents respectfully request that this Court only grant the application as to any properly preserved constitutional issues and reject the application as to any statutory issues.

[8] Plaintiffs were relying on a friend in Hawai‘i Kai for transportation, and there were no other places to stay in that area. ROA 697, 1360.

DATED: Honolulu, Hawai‘i, June 15, 2018.

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NO. SCWC-13-0000806

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

DIANE CERVELLI and TAKEO BUFFORD, Respondents/Plaintiffs-Appellees, and WILLIAM D. HOSHIJO, as Executive Director of the Hawai‘i Civil Rights Commission, Respondent/Intervenor-Appellee, vs. ALOHA BED & BREAKFAST, a Hawai‘i sole proprietorship, Petitioner/Defendant-Appellant.	NO. CAAP-13-000806 CIVIL NO. 11-1-3103-12 ECN APPEAL FROM THE JUDGMENT ON APPEAL FILED: MARCH 20, 2018

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was duly served upon the following on the date and by the method as indicated below:

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DATED: Honolulu, Hawai‘i, June 15, 2018.

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