

No. 29740

IN THE INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAII

STATE OF HAWAII, by its Office of Consumer Protection,	) Civil No. 07-1-1671-09 GWBC) (Other Civil Action))
Plaintiff-Appellee/ Cross Appellant,	) APPEAL FROM PARTS OF THE FINAL JUDGMENT (1) IN FAVOR OF DEFENDANTS AND AGAINST PLAINTIFF ON COUNTS 1, II, III, IV, V AND VI (2) IN FAVOR OF PLAINTIFF AND AGAINST DEFENDANT IOND UNIVERSITY ON COUNTS VII, VIII, IX AND XI AND (3) IN FAVOR OF PLAINTIFF AND AGAINST DEFENDANT IKUO NAKANO ON COUNTS X AND XI FILED HEREIN ON MARCH 2, 2009
vs.)
IOND UNIVERSITY, a Hawaii corporation, and IKUO NAKANO,	) FIRST CIRCUIT COURT)
Defendants-Appellants/ Cross-Appellees.	) HONORABLE GARY W.B. CHANG) Judge)

**STIPULATION TO DISMISS APPEAL AND CROSS-APPEAL FROM PARTS OF THE
FINAL JUDGMENT (1) IN FAVOR OF DEFENDANTS AND AGAINST PLAINTIFF
ON COUNTS 1, II III, IV, V AND VI (2) IN FAVOR OF PLAINTIFF AND
AGAINST DEFENDANT IOND UNIVERSITY ON COUNTS VII, VIII, IX AND XI
AND (3) IN FAVOR OF PLAINTIFF AND AGAINST DEFENDANT IKUO NAKANO
ON COUNTS X AND XI FILED HEREIN ON MARCH 2, 2009**

EXHIBITS "A" & "B"

and

CERTIFICATE OF SERVICE

ROBERT D. KAWAMURA 4537-0
320 Ward Avenue, Suite 201
Honolulu, Hawaii 96814
Telephone: (808) 523-3777
Facsimile: (808) 523-3780
Attorneys for Appellants/Cross-Appellees
IOND UNIVERSITY and IKUO NAKANO

Yoshiko Kawanaka
CLERK, APPELLATE COURTS
STATE OF HAWAII

2009 JUN 17 AM 9:22

FILED

STIPULATION TO DISMISS APPEAL AND CROSS-APPEAL FROM PARTS OF THE FINAL JUDGMENT (1) IN FAVOR OF DEFENDANTS AND AGAINST PLAINTIFF ON COUNTS I, II, III, IV, V AND VI (2) IN FAVOR OF PLAINTIFF AND AGAINST DEFENDANT IOND UNIVERSITY ON COUNTS VII, VIII, IX AND XI AND (3) IN FAVOR OF PLAINTIFF AND AGAINST DEFENDANT IKUO NAKANO ON COUNTS X AND XI FILED HEREIN ON MARCH 2, 2009

IT IS HEREBY STIPULATED, by and between Appellants/Cross-Appellants IOND University and Ikuo Nakano, by and through their attorney, Robert D. Kawamura, pursuant to Rule 42 of the Hawaii Rules of Appellate Procedure, and Appellee/Cross-Appellant State of Hawaii, by its Office of Consumer Protection, by and through its attorneys Jeffrey E. Brunton and Michael J.S. Moriyama, that the Appeal filed by Appellants/Cross-Appellees IOND University and Ikuo Nakano and the Cross-Appeal filed by Appellee/Cross-Appellant State of Hawaii, by its Office of Consumer Protection, filed herein, relating to the Final Judgment in Civil No. 07-1-1671-09 GWBC in the Circuit Court of the First Circuit, State of Hawaii (1) in Favor of Defendants and Against Plaintiff on Counts I, II, III, IV, V and VI (2) in Favor of Plaintiff and Against Defendant IOND University on Counts VII, VIII, IX and XI and (3) in Favor of Plaintiff and against Defendant Ikuo Nakano on Counts X and XI, filed March 2, 2009, and attached hereto respectively as Exhibits "A" & "B", are hereby dismissed with prejudice. All parties to bear their own attorneys' fees and costs. There are no remaining claims or parties.

Dated: Honolulu, June 12, 2009.



Robert D. Kawamura


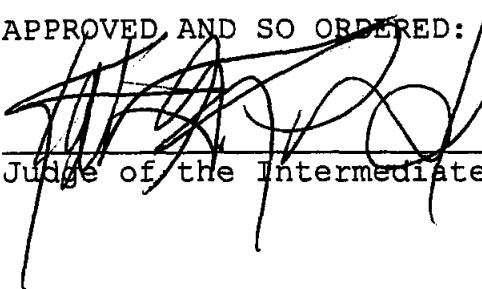
Attorneys for Appellants/
Cross-Appellees
IOND UNIVERSITY and IKUO NAKANO



Jeffrey E. Brunton
Michael J.S. Moriyama

Attorneys for Appellees/
Cross-Appellants
STATE OF HAWAII, by its
Office of Consumer Protection

APPROVED AND SO ORDERED:



Judge of the Intermediate Court of Appeals **for the court**

* Considered by Foley, C.J./Presiding Judge
Fujise and Leonard, J.J.

Of Counsel:
KAWAMURA LAW OFFICE
Attorneys at Law

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

2009 APR -1 AM 9:34

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E. ALAGAO
CLERK

Attorneys for Appellants
IOND UNIVERSITY and IKUO NAKANO

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, by its Office of Consumer Protection,	)	Civil No. 07-1-1671-09 GWBC
	)	(Motor Vehicle Tort)
)	
Plaintiff,	)	NOTICE OF APPEAL; EXHIBIT
	)	"A"; CERTIFICATE OF SERVICE
vs.)	
)	
IOND UNIVERSITY, a Hawaii corporation, and IKUO NAKANO,)	
)	
Defendant.)	
)	


NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT, Defendants IOND University and Ikuo Nakano, by and through their attorney, Robert D. Kawamura, pursuant to Rule 3 of the Hawaii Rules of Appellate Procedure, appeal to the Intermediate Court of Appeals of the State of Hawaii from part of the Final Judgment (1) in Favor of Defendants and Against Plaintiff on Counts I, II, III,

EXHIBIT A

IV, V and Vi (2) in Favor of Plaintiff and Against Defendant IOND University on Counts VII, VIII, IX and XI and (3) in Favor of Plaintiff and against Defendant Ikuo Nakano on Counts X and XI, filed March 2, 2009, and attached hereto as Exhibit "A", in particular the part of the Judgment in Favor of Plaintiff and Against Defendant IOND University on Counts VII, VIII, IX and XI and the part in Favor of Plaintiff and against Defendant Ikuo Nakano on Counts X and XI.

Dated: Honolulu, April 1, 2009.



Robert D. Kawamura

Attorneys for Appellants
IOND UNIVERSITY and IKUO NAKANO

JEFFREY E. BRUNTON #2833
MICHAEL J. S. MORIYAMA #7003
Office of Consumer Protection
235 South Beretania Street, Room 801
Honolulu, Hawaii 96813-2419
Telephone: (808) 586-2636

Attorneys for Plaintiff

CIRCUIT COURT
STATE OF HAWAII
2009 MAR -2 PM 3:39

J. KUBO
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, by its Office of
Consumer Protection,

Plaintiff,

vs.

IOND UNIVERSITY, a Hawaii
corporation and IKUO NAKANO,

Defendants.

) CIVIL NO. 07-1-1671-09 GWBC
) (Other Civil Action)
)
) FINAL JUDGMENT (1) IN FAVOR OF
) DEFENDANTS AND AGAINST
) PLAINTIFF ON COUNTS I, II, III, IV, V
) AND VI (2) IN FAVOR OF PLAINTIFF
) AND AGAINST DEFENDANT IOND
) UNIVERSITY ON COUNTS VII, VIII, IX
) AND XI AND (3) IN FAVOR OF
) PLAINTIFF AND AGAINST
) DEFENDANT IKUO NAKANO ON
) COUNTS X AND XI
)
)
) TRIAL
) Dates: October 14 - 17, 2008
) Judge: Hon. Gary W. B. Chang
)
)
)

FINAL JUDGMENT (1) IN FAVOR OF DEFENDANTS
AND AGAINST PLAINTIFF ON COUNTS I, II, III, IV, V AND
VI (2) IN FAVOR OF PLAINTIFF AND AGAINST DEFENDANT
IOND UNIVERSITY ON COUNTS VII, VIII, IX AND XI AND (3) IN FAVOR OF
PLAINTIFF AND AGAINST DEFENDANT IKUO NAKANO ON COUNTS X AND XI

The court having entered its Findings of Fact and Conclusions of Law
herein and good cause appearing; final judgment be and hereby is entered as follows:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that, with respect to Counts I, II, III, IV, V and VI of the First Amended Complaint, judgment be and is hereby entered in favor of Defendants and against Plaintiff.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that with respect to Counts VII, VIII, IX and XI of the First Amended Complaint,

1. Judgment be and is hereby entered in favor of Plaintiff and against Defendant IOND University;

2. Defendant IOND University be and is hereby liable to the Plaintiff for civil penalties pursuant to Hawaii Rev. Stat. § 480-3.1 in the amount of Twenty Thousand Dollars (\$20,000.00); and

3. Beginning on or before December 1, 2008 and continuing every day thereafter, Defendant IOND University and its agents, servants, employees, attorneys and those persons in active concert or participation with it, directly or indirectly, individually or in concert with others, or through any corporate or other device who receive actual notice of this order be and hereby are permanently enjoined from engaging in any activity in the State of Hawaii including but not limited to distributing or making available its informational material, including catalogs and websites, unless and until it complies with all applicable laws.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that with respect to Counts X and XI of the First Amended Complaint,

1. Judgment be and is hereby entered in favor of Plaintiff and against Defendant Ikuo Nakano;

2. Defendant Ikuo Nakano be and is hereby liable to the Plaintiff for

civil penalties pursuant to Hawaii Rev. Stat. § 480-3.1 in the amount of Two Thousand Five Hundred Dollars (\$2,500,00); and

3. Defendant Ikuo Nakano and his agents, servants, employees, attorneys and those persons in active concert or participation with him, directly or indirectly, individually or in concert with others, or through any corporate or other device who receive actual notice of this order be and hereby are immediately permanently enjoined from filing any further papers with the State of Hawaii which indicate that he is a registered agent for IOND University.

No claims remain against any party. Any remaining claims be and are hereby dismissed.

DATED: Honolulu, Hawaii, MAR 02 2009

GARY W. B. CHANG



Judge of the above-entitled Court

APPROVED AS TO FORM:


ROBERT D. KAWAMURA
Attorney for Defendants

Civil No. 07-1-1671-09 GWBC; State of Hawaii vs. IOND University, a Hawaii corporation and Ikuo Nakano; FINAL JUDGMENT (1) IN FAVOR OF DEFENDANTS AND AGAINST PLAINTIFF ON COUNTS I, II, III, IV, V AND VI (2) IN FAVOR OF PLAINTIFF AND AGAINST DEFENDANT IOND UNIVERSITY ON COUNTS VII, VIII, IX AND XI AND (3) IN FAVOR OF PLAINTIFF AND AGAINST DEFENDANT IKUO NAKANO ON COUNTS X AND XI

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

STATE OF HAWAII, by its Office	)	Civil No. 07-1-1671-09GWBC
of Consumer Protection,	)	(Motor Vehicle Tort)
)	
Plaintiff,	)	CERTIFICATE OF SERVICE
)	
vs .)	
)	
IOND UNIVERSITY, a Hawaii)	
corporation, and IKUO NAKANO,)	
)	
Defendant.)	
<hr/>)	

CERTIFICATE OF SERVICE

THE UNDERSIGNED HEREBY CERTIFIES THAT on the date below, a copy of the foregoing was duly served upon the following parties by way of hand delivery at the following address:

Jeffrey E. Brunton
Office of Consumer Protection
235 South Beretania Street, Room 801
Honolulu, Hawaii 96813-2419

Attorneys for Plaintiff
STATE OF HAWAII, by its Office
Of Consumer Protection

Dated: Honolulu, Hawaii, April 1, 2009.


ROBERT D. KAWAMURA

Attorney for Appellants
IOND UNIVERSITY and IKUO
NAKANO

JEFFREY E. BRUNTON #2833
MICHAEL J. S. MORIYAMA #7003
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State of Hawaii
235 South Beretania Street, Room 801
Honolulu, Hawaii 96813-2419
Telephone: (808) 586-2636

1ST CIRCUIT COURT
STATE OF HAWAII
FILED
2009 APR -6 PM 3:44

J. KUBO
CLERK

Attorneys for Plaintiff-Appellee-
Cross-Appellant State of Hawaii

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, by its Office of Consumer Protection,	)	CIVIL NO. 07-1-1671-09 GWBC
	)	(Other Civil Action)
)	
Plaintiff,	)	NOTICE OF CROSS-APPEAL: EXHIBIT 1
	)	AND CERTIFICATE OF SERVICE
vs.)	
)	
IOND UNIVERSITY, a Hawaii)	
corporation and IKUO NAKANO,)	
)	
Defendants.)	
)	
)	


NOTICE OF CROSS-APPEAL

Notice is hereby given that Plaintiff State of Hawaii, pursuant to Hawaii Rev. Stat. §641-1 and Hawaii R. App. P. 4.1, cross-appeals to the Intermediate Court of Appeals of the State of Hawaii from parts of the Final Judgment (1) in Favor of Defendants and Against Plaintiff on Counts I, II, III, IV, V and VI (2) in Favor of Plaintiff and Against Defendant IOND University on Counts VII, VIII, IX and XI and (3) in Favor of Plaintiff and Against Defendant Ikuo Nakano on Counts X and XI filed herein on March 2, 2009 and attached hereto as Exhibit "1".

Specifically, Plaintiff cross-appeals the entire portion of the Final

Judgment in Favor of Defendants and Against Plaintiff on Counts I, II, III, IV, V and VI; the portion of the Final Judgment in Favor of Plaintiff and Against Defendant IOND University on Counts VII, VIII, IX and XI dealing with the assessment and imposition of civil penalties and the portion of the Final Judgment in Favor of Plaintiff and Against Defendant Ikuo Nakano on Counts X and XI dealing with the assessment and imposition of civil penalties.

DATED: Honolulu, Hawaii, April 6, 2009.



JEFFREY E. BRUNTON
**Attorney for Plaintiff-Appellee/
Cross-Appellant State of Hawaii**

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that, with respect to Counts I, II, III, IV, V and VI of the First Amended Complaint, judgment be and is hereby entered in favor of Defendants and against Plaintiff.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that with respect to Counts VII, VIII, IX and XI of the First Amended Complaint,

1. Judgment be and is hereby entered in favor of Plaintiff and against Defendant IOND University:

2. Defendant IOND University be and is hereby liable to the Plaintiff for civil penalties pursuant to Hawaii Rev. Stat. § 480-3.1 in the amount of Twenty Thousand Dollars (\$20,000.00); and

3. Beginning on or before December 1, 2008 and continuing every day thereafter, Defendant IOND University and its agents, servants, employees, attorneys and those persons in active concert or participation with it, directly or indirectly, individually or in concert with others, or through any corporate or other device who receive actual notice of this order be and hereby are permanently enjoined from engaging in any activity in the State of Hawaii including but not limited to distributing or making available its informational material, including catalogs and websites, unless and until it complies with all applicable laws.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that with respect to Counts X and XI of the First Amended Complaint,

1. Judgment be and is hereby entered in favor of Plaintiff and against Defendant Ikuo Nakano;

2. Defendant Ikuo Nakano be and is hereby liable to the Plaintiff for

civil penalties pursuant to Hawaii Rev. Stat. § 480-3.1 in the amount of Two Thousand Five Hundred Dollars (\$2,500.00); and

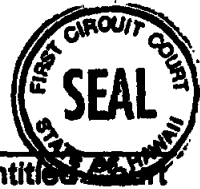
3. Defendant Ikuo Nakano and his agents, servants, employees, attorneys and those persons in active concert or participation with him, directly or indirectly, individually or in concert with others, or through any corporate or other device who receive actual notice of this order be and hereby are immediately permanently enjoined from filing any further papers with the State of Hawaii which indicate that he is a registered agent for IOND University.

No claims remain against any party. Any remaining claims be and are hereby dismissed.

DATED: Honolulu, Hawaii, MAR 02 2009

GARY W. B. CHANG

Judge of the above-entitled Court



APPROVED AS TO FORM:


ROBERT D. KAWAMURA
Attorney for Defendants

Civil No. 07-1-1671-09 GWBC; State of Hawaii vs. IOND University, a Hawaii corporation and Ikuo Nakano; FINAL JUDGMENT (1) IN FAVOR OF DEFENDANTS AND AGAINST PLAINTIFF ON COUNTS I, II, III, IV, V AND VI (2) IN FAVOR OF PLAINTIFF AND AGAINST DEFENDANT IOND UNIVERSITY ON COUNTS VII, VIII, IX AND XI AND (3) IN FAVOR OF PLAINTIFF AND AGAINST DEFENDANT IKUO NAKANO ON COUNTS X AND XI

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII


STATE OF HAWAII, by its Office of Consumer Protection,	)	CIVIL NO. 07-1-1671-09 GWBC
	)	(Other Civil Action)
)	
Plaintiff,	)	CERTIFICATE OF SERVICE
)	
vs.	)	(Notice of Cross-Appeal)
)	
IOND UNIVERSITY, a Hawaii corporation and IKUO NAKANO,)	
)	
Defendants.)	
)	
)	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Notice of Cross-Appeal will be served on the following parties at their respective addresses, by depositing same in the United States mail, postage prepaid.

Robert D. Kawamura, Esq.
320 Ward Avenue, Suite 201
Honolulu, Hawaii 96814
Attorney for Defendants-Appellants/Cross-Appellees
IOND University and Ikuo Nakano

DATED: Honolulu, Hawaii, April 6, 2009.



JEFFREY E. BRUNTON
Attorney for Plaintiff-Appellee/
Cross-Appellant State of Hawaii