

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

HAWAIIAN KINGDOM,

Plaintiff,

vs.

JOSEPH ROBINETTE BIDEN JR., in
his official capacity as President of the
United States, et al.,

Defendants.

CIV. NO. 21-00243 LEK-RT

ORDER DENYING PLAINTIFF'S
MOTION TO SCHEDULE AN
EVIDENTIARY HEARING IN
ACCORDANCE WITH THE
LORENZO PRINCIPLE

**ORDER DENYING PLAINTIFF'S MOTION TO
SCHEDULE AN EVIDENTIARY HEARING IN
ACCORDANCE WITH THE *LORENZO PRINCIPLE***

On September 1, 2022, Plaintiff filed an *Opposition to State Defendants' Motion to Vacate Defaults [ECF 241] on Jurisdictional Grounds* ("Opposition"), and Plaintiff's *Motion to Schedule an Evidentiary Hearing in Accordance with the Lorenzo Principle* ("Motion for Evidentiary Hearing"). ECF No. 253. Plaintiff's filing contains an *Opposition* and a *Motion for Evidentiary Hearing*. The Court shall address only the *Motion for Evidentiary Hearing* in this order. The *Opposition* will be addressed in the order regarding Defendants David Yutaka Ige, in his official capacity as Governor of the State of Hawaii, Ty Nohara, in her official capacity as Commissioner of Securities, Isaac W. Choy, in his official

capacity as the director of the Department of Taxation of the State of Hawaii, and State of Hawaii's (collectively "Defendants") *Motion to Vacate Defaults Against Them, Entered on January 19, 2022 [ECF 197, 200, 198, 199 and [sic] Respectively]* ("Motion to Set Aside"), filed on August 12, 2022.

The *Motion for Evidentiary Hearing* requests that this Court hold an evidentiary hearing on the *Motion to Set Aside*. Plaintiff cites to *State of Hawaii v. Lorenzo*, 77 Hawaii 219, 883 P.2d 641 (Ct. App. 1994), and *United States v. Lorenzo*, 995 F.2d 1448 (9th Cir. 1993), as the main legal authority in support of its request. However, neither case relate to the issue of whether the Court should conduct an evidentiary hearing on the *Motion to Set Aside*.

In *State of Hawaii v. Lorenzo*, defendant Anthony Lorenzo was found guilty of failing to render assistance after being involved in automobile accident, driving without a license, and negligent injury. *State of Hawaii v. Lorenzo*, 77 Hawaii at 220, 883 P.2d at 642. The issue was whether the lower court erred in denying defendant's motion to dismiss the indictment when it determined Plaintiff's claim that he is subject solely to the Hawaiian Kingdom's jurisdiction is without merit. *Id.* Defendant Lorenzo argued that the Kingdom of Hawaii is recognized as an independent sovereign nation by the United States and that he is a citizen of the Kingdom. *Id.* Therefore, defendant Lorenzo argued that the courts of the State of Hawaii have no jurisdiction over him. *Id.* The appellate court in *State of Hawaii v. Lorenzo* concluded that defendant Lorenzo failed to present any factual or legal

basis that the Hawaiian Kingdom exists as a state. *Id.* at 221, 883 P.2d at 643. As result, the appellate court found that defendant Lorenzo's argument that he is subject solely to the Hawaiian Kingdom's jurisdiction is meritless and affirmed the lower court's ruling. *Id.*

In *United States v. Lorenzo*, there were fifteen (15) defendants charged with various violations in a seventy-nine-count indictment related to their use of a tax protest method known as the redemption scheme. *United States v. Lorenzo*, 995 F.2d 1448, 1451 (9th Cir. 1993). On appeal, the Ninth Circuit addressed the issues of (1) whether the U.S. Attorney's Office should have been disqualified from prosecuting the case, (2) whether the government engaged in purposeful discrimination during the jury selection process; (3) whether the district court erred by refusing to instruct the jury that jury could consider the defendants' good faith to negate willful elements; (4) whether the district court abused its discretion by allowing victims to testify to their feelings or reactions upon receiving false 1099 forms; (5) whether the district court had jurisdiction when two defendants claimed to be nationals of the Hawaiian Kingdom; (6) whether the district court erred when it determined that one of the appellants made a knowing and intelligent waiver of counsel; (7) whether the conviction of two appellants was a violation of the Double Jeopardy Clause of the Fifth Amendment; (8) whether there was sufficient evidence to show that one of the appellants agreed to commit an offense; and (9)

whether the district court erred in its application of the Sentencing Guidelines. The Ninth Circuit affirmed the district court's rulings.

Although both the *State of Hawaii v. Lorenzo* and *United States v. Lorenzo* touch upon the argument raised by the defendants in these cases of whether the Hawaii courts have jurisdiction when defendants are allegedly Hawaiian Kingdom nationals, neither case provide any shred of support for Plaintiff's argument in this case that the Court should hold an evidentiary hearing on the *Motion to Set Aside*. Even when citing *State of Hawaii v. Lorenzo* and *United States v. Lorenzo*, Plaintiff makes no argument in support of why these cases support its proposition that the Court should hold an evidentiary hearing on the *Motion to Set Aside*.

Rule 7.1(d) of the Local Rules of Practice for the United States District Court for the District of Hawaii ("LR") provides that *Motion to Set Aside* should be decided without a hearing: "The following shall be decided without a hearing: motions to . . . set aside or vacate a judgment or order . . ." LR7.1(d). Further, LR7.1(c) provides the court with discretion to decide all matters without a hearing. *See* LR7.1(c) ("[u]nless specifically required, the court may decide all matters, including motions, petitions, and appeals, without a hearing").

The Court finds that pursuant to LR7.1(c) & (d), Plaintiff's request for an evidentiary hearing is **DENIED**. The Court shall rule on the *Motion to Set Aside* without a hearing.

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IT IS SO ORDERED.

DATED: Honolulu, Hawaii, October 31, 2022.



A handwritten signature in blue ink, appearing to read "Rom A. Trader".

Rom A. Trader
United States Magistrate Judge

Civ. No. 21-243 LEK-RT; *Hawaiian Kingdom v. Joseph Robinette Biden Jr., in his official capacity as President of the United States, et al.*; Order Denying Plaintiff's Motion to Schedule an Evidentiary Hearing in Accordance with the *Lorenzo* Principle