

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

WILLIAM R. HANCOCK, individually
and as Trustee of HANCOCK AND
COMPANY, INC. PROFIT SHARING
TRUST, under trust instrument April 3,
1983,

Plaintiff,

vs.

KULANA PARTNERS, LLC, a Hawaii
limited liability company; FIDELITY
NATIONAL TITLE & ESCROW OF
HAWAII, INC., a Hawaii corporation,

Defendants.

CIVIL NO. 13-00198 DKW-RLP

**ORDER CERTIFYING QUESTIONS
OF LAW**

By memorandum dated June 9, 2017, the United States Court of Appeals for the Ninth Circuit directed this Court to certify the following questions to the Hawaii Supreme Court, pursuant to Hawaii Rule of Appellate Procedure 13:

1. Whether a claim relating to a forged deed is subject to the statute of limitations for fraud?
2. Whether the recording of a deed provides constructive notice in an action for fraud?

Hancock v. Kulana Partners, LLC, No. 14-15233, ECF No. 40-2 at 2 (9th Cir. June 9, 2017).

The Ninth Circuit further instructed that its “framing of these questions does not limit the Hawaii Supreme Court’s ‘consideration of any issues that it determines are relevant’ and that ‘it may in its discretion reformulate the question[s].’” *Id.* at 2 (quoting *Cornhusker Cas. Ins. Co. v. Kachman*, 514 F.3d 982, 989 (9th Cir. 2008)).

This matter is stayed pending disposition of the certification request by the Hawaii Supreme Court. In the interim, the Court directs the administrative closure of this case. The case will be reopened by the Clerk of Court upon disposition by the Hawaii Supreme Court, or upon further order of this Court. Such an order reopening the case may be issued *sua sponte*, or a party may petition for reopening upon a showing of good cause. The administrative closing will not impact, in any manner, any party’s rights or obligations or the certified questions, and no filing fee is required to reopen the case.

IT IS SO ORDERED.

DATED: June 9, 2017 at Honolulu, Hawai‘i.



/s/ Derrick K. Watson
Derrick K. Watson
United States District Judge

Hancock v. Kulana Partners, LLC et al.; CV 13-00198 DKW-RLP; **ORDER CERTIFYING QUESTIONS OF LAW**