

MINUTE ORDER

CASE NUMBER: CIVIL NO. 14-00387 LEK-WRP

CASE NAME: Michael David Bruser vs. Bank of Hawaii

JUDGE: Leslie E. Kobayashi

DATE: 10/16/2020

COURT ACTION: EO: COURT ORDER DENYING PLAINTIFFS' NON-HEARING MOTION FOR AN ORDER TO INSTRUCT TEMPORARY RECEIVER

On September 11, 2020, Plaintiffs/Counterclaim Defendants Michael David Bruser and Lynn Bruser, Trustees under that certain unrecorded Revocable Living Trust Agreement dated July 11, 1988, as amended, doing business as Discovery Bay Center (“the Brusers”) filed their Non-Hearing Motion for an Order to Instruct Temporary Receiver (“Motion”). [Dkt. no. 382.] On September 15, 2020, Temporary Receiver Steve Sombrero (“the Receiver”) filed a declaration in response to the Motion (“Sombrero Declaration”). [Dkt. no. 383.] On September 25, 2020, Defendant/Counterclaim Plaintiff Bank of Hawaii (“BOH”) filed its memorandum in opposition to the Motion (“BOH Opposition”). [Dkt. no. 385.] On September 28 and October 1, 2020, the Brusers filed their replies to the Sombrero Declaration and the BOH Opposition. [Dkt. nos. 386, 389.]

In the Motion, the Brusers ask the Court to: 1) prevent the Receiver from replacing the property manager; 2) require the Receiver to return certain funds to an interest bearing account; and 3) issue sanctions against the Receiver. The Brusers’ requests significantly overlap with the directives previously issued to the Receiver, in which the Receiver was directed to perform a number of tasks to wind up the receivership by **December 1, 2020**. [Order, filed 9/30/20 (“9/30/20 Order”) (dkt. no. 387), at 15-16.]

In light of the approaching deadline to conclude the receivership, the parties are each hereby ORDERED to submit a letter of three pages or less, explaining the status of the Motion and whether the Motion is still necessary following the 9/30/20 Order. The letters must be received by **November 20, 2020**. The letters must be submitted to the Court by facsimile to 541-1386. If any party is unable to submit the required letter by facsimile, they are granted leave to submit the letter by email to kobayashi_orders@hid.uscourts.gov. Generally, case-related correspondence is not accepted by email without leave, and the leave granted in this instance does not extend to other matters or cases.

IT IS SO ORDERED.

Submitted by: Agalelei Elkington, Courtroom Manager