

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT
STATE OF HAWAII

DAISY MITCHELL; REBECCA MELENDEZ,
Petitioners,

v.

KAMEHAMEHA SCHOOLS, et al.; HAWAII COUNTY PLANNING DEPARTMENT;
JEFF DARROW, in his official capacity as Director; MARISSA HARMAN, in her
professional and official capacity; G70; KAWIKA MCKEAGUE, in his official
capacity; JANE DOES 1-20; DOE ENTITIES 1-20; and DOE GOVERNMENTAL
UNITS 1-20,
Respondents.

Civil No. 3CCV-25-0000438

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THIRD CIRCUIT
3CCV-25-0000438
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**MOTION TO DISMISS DAISY MITCHELL AS A PETITIONER
WITHOUT PREJUDICE DUE TO HEALTH CONCERNS**

TO THE HONORABLE COURT:

Petitioner **Daisy Mitchell**, appearing **pro se**, respectfully moves this Court for an Order dismissing her as an individual Petitioner in the above-captioned matter, **without prejudice**, due to significant and ongoing health concerns.

In support of this Motion, Petitioner states as follows:

1. Petitioner joined this action in good faith to protect the cultural, historical, archaeological, and ancestral resources of Keauhou and has participated diligently throughout these proceedings.
2. Petitioner has submitted declarations and other materials regarding her genealogy, lineal descent, cultural practices, and longstanding connection to Keauhou. Those submissions were made in good faith and reflect Petitioner's sincerely held beliefs and interests.
3. Petitioner recently underwent major surgery. Although the procedure provided some benefit, Petitioner's recovery has been incomplete, and additional surgery and specialized medical treatment are anticipated.
4. Petitioner expects these ongoing medical needs, including treatment to be obtained off-island, to substantially limit her ability to participate in this litigation for the foreseeable future, including the next several months.

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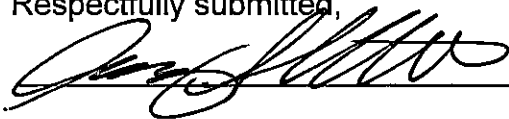
5. Because of these significant and ongoing medical circumstances, Petitioner is unable to continue fulfilling the responsibilities required of a self-represented litigant. Petitioner's request is based **solely** upon her medical circumstances and not upon the merits of this action.
6. This Motion should **not** be construed as a withdrawal or waiver of Petitioner's cultural, genealogical, ancestral, or personal interests relating to Keauhou, nor should it be interpreted as an admission regarding any argument raised by Respondents or as a concession concerning Petitioner's previously asserted standing.
7. Petitioner respectfully requests that her dismissal be **without prejudice**, so that this dismissal shall not constitute an adjudication on the merits of any claims, interests, or standing previously asserted by Petitioner.
8. Petitioner understands that the remaining Petitioners intend to continue prosecuting this action and respectfully requests that the Court allow the litigation to proceed without interruption.
9. Petitioner makes this request in good faith so that she may devote her full attention to her medical care, additional treatment, and recovery while allowing the remaining Petitioners to continue this action.

WHEREFORE, Petitioner Daisy Mitchell respectfully requests that this Court:

1. Grant this Motion;
2. Dismiss Daisy Mitchell as an individual Petitioner **without prejudice**;
3. Permit the remaining Petitioner to continue this action; and
4. Grant such other and further relief as the Court deems just and equitable.

DATED: Kailua-Kona, Hawai'i, July 27, 2026.

Respectfully submitted,



Daisy Mitchell
Petitioner Pro Se

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**[PROPOSED] ORDER GRANTING MOTION TO DISMISS DAISY
MITCHELL AS A PETITIONER WITHOUT PREJUDICE**

Upon consideration of the Motion to Dismiss Daisy Mitchell as a Petitioner Without Prejudice Due to Health Concerns, the records and files herein, and any argument presented,

IT IS HEREBY ORDERED that the Motion is **GRANTED**.

IT IS FURTHER ORDERED that Petitioner **Daisy Mitchell** is dismissed as a Petitioner in this action **without prejudice**.

IT IS FURTHER ORDERED that this dismissal shall not constitute an adjudication on the merits of Petitioner's previously asserted claims, interests, or standing.

The remaining Petitioners may continue this action in accordance with applicable law and any further orders of this Court.

DATED: Kona, Hawai'i, _____, 2026.

THE HONORABLE KAUAO D. JACKSON
Judge of the Above-Entitled Court

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**CERTIFICATE OF SERVICE MOTION TO DISMISS DAISY MITCHELL
AS A PETITIONER WITHOUT PREJUDICE DUE TO HEALTH
CONCERNS**

I hereby certify that on the 27 day of July, 2026, a true and correct
copy of the following documents:

1. **Motion to Dismiss Daisy Mitchell as a Petitioner Without Prejudice Due to Health Concerns;**
2. **[Proposed] Order Granting Motion to Dismiss Daisy Mitchell as a Petitioner Without Prejudice; and**
3. **Certificate of Service**

We hereby certify that a true and correct copy of the foregoing was duly served upon the following parties by [U.S. Mail (certified return receipt requested) / Electronic Mail / Hawaii Judiciary Electronic Filing System (JEFS) / Hand Delivery] on this 27th day of July, 2026:

JOHN P. MANAUT, ESQ.
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VIA USPS

Attorneys for Respondents

CRYSTAL KAUILANI ROSE, JENNIFER NOELANI GOODYEAR-KA'OPUA, MICHELLE M. KA'UHANE, ERIC K. YEAMAN and ELLIOT KAWAIHO'OLANA MILLS, as TRUSTEES OF THE ESTATE OF BERNICE PAUAHI BISHOP DBA KAMEHMEHA SCHOOLS and MARISSA HARMAN, IN HER PROFESSIONAL and OFFICIAL CAPACITY

RENEE N.C. SCHOEN, ESQ.

VIA USPS

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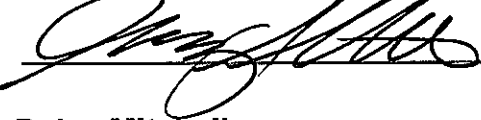
Honolulu, Hawai'i 96813

Attorneys for Respondents

G70 and KAWIKA MCKEAGUE

I declare under penalty of perjury under the laws of the State of Hawai'i that the foregoing is true and correct.

DATED: Kailua-Kona, Hawai'i, this 27 day of July, 2026.



Daisy Mitchell

Petitioner Pro Se