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**FORMAL REQUEST FOR HEARING,
AFFIDAVIT OF FACT and NOTICE OF LIABILITY**

RESPONDENTS:

FIFTH CIRCUIT COURT, COUNTY OF KAUA'I, STATE OF HAWAI'I
Certified Mail #

GOVERNOR OF THE STATE OF HAWAI'I, DAVID Y. IGE
Certified Mail #

MAYOR OF THE COUNTY OF KAUA'I, DEREK S.K. KAWAKAMI
Certified Mail #

HAWAI'I STATE DEPARTMENT OF HEALTH
Certified Mail #

DEPT OF EMERGENCY MANAGEMENT, COUNTY OF KAUA'I
Certified Mail #

PARTIES TO BE ADDED:

| | Date | Signature |
|-------|-------|-----------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

COLOR OF LAW: *“The appearance or semblance, without the substance, of legal right.”* Black’s Law Dictionary 4th edition

1. I, Levana Lomma, reserve all of my God-given rights, and waive no rights, ever, which are secured by the Constitution of Hawai’i and the Constitution of the United States of America, that bind both the Court and the alleged moving parties in any legal actions brought against me in response to the free exercise of my rights pursuant to the Declaration of Independence and the Constitution of the United States of America as ratified in 1791 with the Articles of the Amendments.

2. The Constitutions do not grant me rights and privileges, they only secure my inherent God-given unalienable rights, which have been enumerated in the Constitutions under the Bill of Rights. This Bill of Rights defines the fundamental liberty interests of all citizens, including the right to travel freely among the States, the right to be secure in one’s person, the right to privacy and bodily integrity and the right to due process.

3. Pursuant to the Constitution of the United States of America as ratified in 1791 with the Articles of the Amendments, Article VI paragraph 2, “This Constitution and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, under the authority of the United States, shall be the

supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary Notwithstanding”.

4. This document shall serve not only as an Affidavit of Fact and Notice of Liability but also as a formal written request for a hearing in the appropriate Circuit Court pursuant to Hawai'i Revised Statutes §325-8(g) which allows for individuals who have been ordered to quarantine to contest such orders in accordance with their right to due process, if such an order does in fact exist.

5. As of the date of signing, the affiant has yet to receive a copy of the ex-parte order issued by this court affirming that there is in fact a quarantine order in effect for the affiant, nor has there been any notification of the right to a hearing to contest the court order pursuant to HRS §325-8(e).

6. Affiant intends to travel to Honolulu on March 19, 2021 returning to Lihue on March 21, 2021 and will not be getting a Covid-19 test. According to Governor Ige's Eighteenth Supplemental Proclamation Related to the Covid-19 Emergency, and rules in each county pertaining to this executive order I am being threatened with a 10 day house arrest without due process of law for refusing this

medical intervention. I demand to exercise my right to contest this order, if one so exists, as there has been no medical evaluation to determine that I am in fact carrying a communicable disease, and for this reason will not adhere to any demands to quarantine.

8. Any forced and unwanted testing is BATTERY, being forced to quarantine when healthy is considered a FALSE ARREST, and under the rule of law no one can force me to endure the commission of a crime against me in order to travel. My genetic material is my Property, any forced taking of my property requires a payment of \$1,000,000.00. If forced to endure a FALSE IMPRISONMENT, also known as “quarantine”, even though I am healthy, I will expect compensation in the amount of \$60,000.00 an hour.

9. Pursuant to HRS §325-8(g) a hearing must be granted within 14 days, whereby the Department issuing said quarantine orders will be notified and must provide proof to the court that the quarantine is in fact warranted.

10. Pursuant to HRS §325-8(k) judicial decisions shall be based upon clear and convincing evidence, and a written record of the disposition of the case shall be made and retained.

11. If no hearing to contest this order is scheduled and no response given within 3 days of receipt of this request I will assume that no quarantine order exists and will therefore go about my daily routine living life as a free, healthy American who has a constitutionally protected right to freely travel among the states and not be coerced into submission to any medical intervention or treatment.

12. If the parties given notice by means of this document have information that would controvert and overcome this Affidavit, please advise me IN WRITTEN AFFIDAVIT FORM within three (3) days from receipt hereof, providing me with your counter affidavit, proving with particularity by stating all requisite actual evidentiary fact and all requisite actual law, and not merely the ultimate facts or conclusions of law, that this Affidavit Statement is substantially and materially false sufficiently to change materially my status and factual declarations. Your silence stands as consent to, and tacit approval of, the factual declarations herein being established as fact as a matter of law.

13. If any law enforcement officer, health officer, national guard officer or other executive order enforcer attempts to prevent me from exercising my right to freedom of movement, they will be added as parties to this legal notice and

appropriate legal action will be taken against all those depriving me of my rights under the color of law.

18 U.S. Code § 242 - Deprivation of rights under color of law:

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

14. Pursuant to 28 USC § 1746(1) “...any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same, such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:”

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this the _____ day, of the _____ month, in the year of our Lord and Savior, two thousand twenty-one.

Levana Lomma, Affiant

Notary used without prejudice to my rights:

BE IT REMEMBERED, That on this _____ day of _____ in the year of our LORD, two thousand and twenty-one, personally appeared before me, the Subscriber, a Notary Public for the State of Hawai'i, Levana Lomma, party to this Document, known to me personally to be such, and she acknowledged this Document to be her act and deed. Given under my hand and seal of office, the day and year aforesaid.

Notary Public Sitting in, and for, The State of Hawai'i