



1. This is a lawsuit in which Plaintiff suffered severe injuries as a result of the misconduct by DEFENDANTS.

**JURISDICTION AND VENUE**

2. This Court has jurisdiction and venue since all events done by the above named DEFENDANTS occurred and within the jurisdiction and venue of the Circuit Court of the Third Circuit, State of Hawai'i, acts pursuant to H.R.S. §603-21.5 and the matter in controversy exceeds FIFTY THOUSAND DOLLARS (\$50,000) exclusive of costs and interest.

3. Venue is proper within the Circuit Court of the Third Circuit, State of Hawai'i as all Defendants do business and/or are residents of the Island of Hawai'i.

**PARTIES**

4. MS. STABO, at all time relevant herein, was a resident of the State of Hawai'i.

5. At all times relevant herein, DEFENDANT COUNTY OF HAWAI'I FIRE DEPARTMENT is an agency of a governmental municipality operating in the County of Hawai'i.

6. At all times relevant herein, DEFENDANT KAZUO TODD was a resident of the Island of Hawai'i.

7. At all times relevant herein, DEFENDANT ERIC MOLLAR was a resident of the Island of Hawai'i.

8. At all times relevant herein, DEFENDANT KAAINA P KEAWE was a resident of the Island of Hawai'i.

9. Defendants JOHN DOES 1-10, JANE DOES 1-10, DOE CORPORATIONS 1-10, DOE PARTNERSHIPS 1-10, DOE UNINCORPORATED ORGANIZATIONS 1-10; DOE ENTITIES 1-10; and DOE GOVERNMENTAL ENTITIES 1-10, are sued herein under fictitious names because their true names, identities and capacities are unknown to the Plaintiff, except that they are connected in some manner with Defendants, and are/were agents, servants, employees, employers, representatives, co-venturers, associates, or independent contractors of Defendants herein, and were acting with the permission and consent and within the course and scope of said agency and employment and/or were in some manner presently unknown to the Plaintiff engaged in the activities alleged herein and/or were in some way responsible for the injuries or damages to Plaintiff, which activities were a proximate cause

of said injuries or damages to Plaintiff. Plaintiff has made good faith and diligent efforts to identify said Defendants, including interviewing individuals with knowledge of the claims herein. At such time as their true names and identities become known, Plaintiff will amend her Complaint accordingly.

### FACTS

10. MS. STABO was a volunteer fire fighter for DEFENDANT COUNTY OF HAWAI'I FIRE DEPARTMENT.

11. In 2021, MS STABO had been a volunteer firefighter in Nā'ālehu on the Island of Hawai'i for about ten (10) years.

12. A brush fire in Ka'u was first ignited in or about April 2021.

13. The Ka'u brush fire's flames had gone underground.

14. Defendants knew that the Ka'u brush fire continued to burn underground where it could not be easily seen.

15. Ms. Stabo responded to the Ka'u brush fire on her birthday, September 3, 2021.

16. It was the third fire MS. STABO had responded to after returning from the mainland a couple of months prior.

17. MS. STABO was unaware and was never informed by DEFENDANTS, although they knew of the serious risk and danger, that the Ka'u brush fire was burning underground in the area she was responding to on her birthday.

18. MS. STABO described the blaze as a small brush fire.

19. Upon seeing a flare-up MS. STABO, along with County of Hawaii Fire Department Captain DEFENDANT KA'AINA KEAWE, started to head out to the flare-up with their fire hoses.

20. Upon walking to the flare-up, MS. STABO fell in a pit of burning fire, waist deep, where the Ka'u brush fire had been burning underground.

21. With the fire burning the vegetation underground, there was nothing to support the walking surface.

22. MS. STABO experienced extreme pain and sustained severe burn injuries before she was pulled from the fire pit by DEFENDANT KA'AINA KEAWE.

23. DEFENDANTS KAZUO TODD and ERIC MOLLAR, the Chief of the County of Hawaii Fire Department and the Deputy Chief of the County of Hawai'i Fire Department, respectively, knew about the danger of the underground fires' burning in Ka'u where MS. STABO responded to the brush fire.

24. None of the DEFENDANTS informed or notified MS. STABO of the known and substantial danger of the Ka'u underground fire and fire pits.

25. Prior to MS. STABO falling in the underground fire pit, there were reports of at least three to four (3-4) burn injuries suffered by members of the public in this area due to the underground fires that DEFENDANTS were aware of.

26. As a result of the falling into the underground fire pit, MS. STABO sustained extremely serious injuries, both physical and emotional, that are still being treated and are not yet stabilized or resolved.

### **COUNT I – MISCONDUCT**

#### **(Negligence, Extreme Carelessness, Recklessness, Wantonness, Etc.)**

27. Plaintiff restates and incorporate the preceding paragraphs as though fully set forth herein.

28. The action and/or inactions of DEFENDANT(S) (hereinafter collectively referred to as "misconduct"), individually and collectively, were and are:

- a) Negligent and Grossly negligent and/or;
- b) Careless and/or;
- c) Reckless and/or;
- d) Heedless and/or;
- e) A reflection of extreme foolhardiness and/or;
- f) A reflection of callous disregard and/or callous indifference to the rights and safety of others, including Plaintiffs' and/or;

- g) Willful and/or;
- h) Wanton and/or;
- i) A reflection of a conscious disregard for the safety of the Plaintiff and public.

29. The misconduct of the DEFENDANTS was a substantial factor in the injuries of MS. STABO.

30. These aforementioned acts and/or conduct of DEFENDANTS entitle MS. STABO to damages as provided by law. As a direct and proximate result of said unlawful practices MS. STABO has suffered financial harm, medical costs, extreme physical injuries and mental anguish, outrage, depression, posttraumatic stress disorder, great humiliation, severe anxiety about her future and ability to support herself, disruption of her personal life, loss of enjoyment of the ordinary pleasures of everyday life and other general damages in an amount which meets the minimal jurisdictional limits of this Court.

#### **PRAYER FOR RELIEF**

WHEREFORE, MS. STABO prays for judgment against DEFENDANTS as follows:

A. That this Court award MS. STABO damages for the aforementioned Count including, but not limited to, all damages proximately caused by DEFENDANTS' conduct, including, but not limited to, special and general damages in an amount to be proven at trial;

B. That this Court award MS. STABO reasonable attorney's fees and costs of suit herein as provided by statute or otherwise as well as prejudgment and post-judgment interest;

C. As DEFENDANTS' conduct in relation to MS. STABO, as aforesaid, constitutes extreme and outrageous behavior that exceeds all bounds usually tolerated by decent society. In committing the above acts and omissions, DEFENDANTS acted wantonly and/or oppressively and/or with such malice as implies a spirit of mischief or criminal indifference to civil obligations and/or there has been some willful misconduct that demonstrates that entire want of care which would raise the presumption of a conscious indifference to consequences,

justifying an award of punitive or exemplary damages in an amount to be proven at trial, that this Court award MS. STABO *exemplary or punitive damages* in an amount to be proven at trial;

D. That this Court retain jurisdiction over this action until DEFENDANTS have fully complied with the order of this Court and that this Court require DEFENDANTS to file such reports as may be necessary to secure compliance; and

E. That this Court award MS. STABO such other and further relief both legal and equitable as this Court deems just, necessary and proper under the circumstances.

DATED: Honolulu, Hawai`i, September 1, 2023

/s/ Joseph T. Rosenbaum  
JOSEPH T. ROSENBAUM  
ELIZABETH JUBIN FUJIWARA  
MARCOS R. BENDAÑA  
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ELIZABETH STABO

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT  
STATE OF HAWAII

ELIZABETH STABO

Plaintiff,

vs.

COUNTY OF HAWAII FIRE  
DEPARTMENT; KAZUO TODD; ERIC  
MOLLAR; KAAINA P KEAWE;  
JOHN DOES 1-10; JANE DOES 1-10; DOE  
CORPORATIONS 1-10; DOE  
PARTNERSHIPS 1-10; DOE  
UNINCORPORATED ORGANIZATIONS  
1-10; DOE ENTITIES 1-10; and DOE  
GOVERNMENTAL AGENCIES 1-10,

Defendants.

) CIVIL NO.  
) (Other Civil Action)  
)  
) **DEMAND FOR JURY TRIAL**

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by jury on all issues so triable herein.

DATED: Honolulu, Hawaii, September 1, 2023.

/s/ Joseph T. Rosenbaum  
JOSEPH T. ROSENBAUM  
ELIZABETH JUBIN FUJIWARA  
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