

JEFFREY E. FOSTER #9857
Foster Law Offices, LLC
P.O. Box 127
Captain Cook, HI 96704
Tel: (808) 348-7800
Fax: (808) 443-0277
Email: fosterlaw@gmail.com

**Electronically Filed
THIRD CIRCUIT
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Attorney for Plaintiffs
NOAH BENNETT-DRAYER and
DANIEL BENNETT-DRAYER

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT
HILO DIVISION

STATE OF HAWAII

NOAH BENNETT-DRAYER, Individually as
Statutory Beneficiary;
DANIEL BENNETT-DRAYER; Individually
as Statutory Beneficiary.

Plaintiffs,

vs.

AVALON CARE CENTER – VA HILO,
LLC, a foreign for-profit limited liability
company;

AVALON OF HAWAII, L.L.C., d/b/a
AVALON CARE OF HAWAII, a foreign for-
profit limited liability company;

AVALON CARE, LLC, a foreign for-profit
limited liability company;

AVALON HOLDING INC., a foreign for-
profit corporation;

AVALON HEALTH CARE INC., d/b/a
AVALON HEALTH CARE GROUP, a
foreign for-profit corporation;

Civil No.
(Other Non-Vehicle Tort; Wrongful Death)

REQUEST TO EXEMPT CASE FROM THE
COURT ANNEXED ARBITRATION
PROGRAM; SUMMARY OF FACTS

TINA IRWIN, Individually.

DOES 1-5; and DOE ENTITIES 1-5; DOE
GOVERNMENTAL ENTITIES 1-5,

Defendants.

**REQUEST TO EXEMPT CASE FROM THE
COURT ANNEXED ARBITRATION PROGRAM**

COME NOW Plaintiffs NOAH BENNETT-DRAYER and DANIEL BENNETT-DRAYER, individually, by and through the undersigned counsel, and hereby request that the above-captioned matter be exempted from the Court Annexed Arbitration Program, as the probable jury award value, not reduced by the issue of liability, and exclusive of attorneys' fees, interest and costs, is in excess of \$150,000.00.

This request is made pursuant to Rule 8(A) and (C) of the Hawai'i Arbitration Rules, as amended, and the Summary of Facts attached hereto.

DATED: Kailua-Kona, Hawai'i, September 30, 2020.

/s/Jeffrey E. Foster

JEFFREY E. FOSTER
Attorney for Plaintiffs
NOAH BENNETT-DRAYER and
DANIEL BENNETT-DRAYER

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SUMMARY OF FACTS

TINA IRWIN, Individually.

DOES 1-5; and DOE ENTITIES 1-5; DOE
GOVERNMENTAL ENTITIES 1-5,

Defendants.

SUMMARY OF FACTS

1. Because the probable jury award for claims in this case shall be in excess of \$150,000.00, exclusive of interest, costs, or attorneys' fees, Plaintiffs respectfully request that this matter be exempted from the Court Annexed Arbitration Program.
2. Please see the Complaint for further supporting factual allegations.

DATED: Kailua-Kona, Hawai`i, September 30, 2020.

/s/Jeffrey E. Foster

JEFFREY E. FOSTER
Attorney for Plaintiffs
NOAH BENNETT-DRAYER and
DANIEL BENNETT-DRAYER