

TAKITANI AGARAN JORGENSEN & WILDMAN, LLLP

A Law Partnership

ANTHONY TAKITANI 4422
GILBERT S.C. KEITH-AGARAN 4677
DAVID M. JORGENSEN 4784
JOSEPH L. WILDMAN 4153
24 North Church Street Suite 409
Wailuku, Maui, Hawaii 96793
Telephone: (808) 242-4049
Facsimile: (808) 244-4021
Email: jlwildman@gmail.com

Electronically Filed
THIRD CIRCUIT
3CCV-26-0000058
11-FEB-2026
05:29 PM
Dkt. 1 CMPS

Attorneys for Plaintiff
CODY CONAWAY

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

CODY CONAWAY,)
) CIVIL NO. _____
) Category: (Motor Vehicle Tort)
 Plaintiff,)
)
 vs.) COMPLAINT; AND SUMMONS
)
)
 JONI-MAY BALANCIO; HAWAII FIRE)
 DEPARTMENT: COUNTY OF HAWAII;)
 JOHN DOES 1-10; JANE DOES 1-10; DOE)
 PARTNERSHIPS 1-10; DOE)
 CORPORATIONS 1-10; and DOE)
 ENTITIES 1-10,)
)
 Defendants,)
 _____)

COMPLAINT

Plaintiff CODY CONAWAY, by and through his undersigned counsel, alleges and
avers as follows:

COUNT I.

1. At all times material to this Complaint, Plaintiff CODY CONAWAY (hereinafter “PLAINTIFF”) has been a resident of the County of Hawaii, State of Hawaii.

2. At all times material to this Complaint, Defendant JONI-MAY BALANCIO (hereinafter Defendant “BALANCIO”) has been a resident of the County of Hawaii, State of Hawaii.

3. At all times material to this Complaint, Defendant Hawaii Fire Department (hereinafter Defendant “HFD”) has been a Department of the County of Hawaii, State of Hawaii.

4. At all times material to this Complaint, Defendant County of Hawaii (hereinafter Defendant “COUNTY”) has been a municipal entity created by law and amenable to the jurisdiction and process of this Court.

5. All events material to this Complaint occurred within the County of Hawaii and within the jurisdiction of the Circuit Court of the Third Circuit, State of Hawaii.

6. Plaintiff has reviewed the records of the County of Hawaii Police Department and/or Department of Commerce and Consumer Affairs in order to ascertain the true and full names and identities of all Defendants in this action, but have no further knowledge or information regarding the parties responsible and are unable to ascertain the identity of the Defendants in this action designated as JOHN DOES 1-10, JANE DOES 1-10, DOE PARTNERSHIPS 1-10, DOE CORPORATIONS 1-10 and DOE ENTITIES 1-10; said Defendants are sued herein under fictitious names for the reason that their true names and identities are unknown to Plaintiff, except that they may be connected in some manner with Defendants, and may be agents, contractors of Defendants and/or were in some manner

responsible for the injuries and damages to Plaintiff and their true names, identities, capacities, activities and/or responsibilities are presently unknown to Plaintiff or his attorneys.

7. On or about October 28, 2024, Plaintiff was operating a 2015 motorcycle in a safe and lawful manner and was traveling northbound on Kuakini Highway near Kamehameha III Road in Kona, Hawaii.

8. On the same date and time, Defendant BALANCIO was operating her 2020 motor vehicle and also traveling northbound on Kuakini Highway and, while attempting to execute a right hand turn onto Kamehameha III Road with no turn signal illuminated, violated Plaintiff's right of way by hitting him and dragging Plaintiff and his motorcycle for some distance.

9. As a direct and proximate result of the acts and/or omissions and/or negligence of Defendant BALANCIO and/or JOHN DOES 1-10 and/or JANE DOES 1-10 and/or DOE PARTNERSHIPS 1-10 and/or DOE CORPORATIONS 1-10 and/or DOE ENTITIES 1-10, jointly and severally, Plaintiff has suffered injuries including but not limited to a degloving injury of his right foot, degloving injury of his right ankle, open displaced fracture of the navicular bone of his right foot, open avulsion fracture of the lateral malleolus right fibula, equinus contracture of the right ankle, traumatic rupture of the peroneal tendon of his right foot, multiple surgeries at two different medical centers with prolonged hospitalizations, grief reaction due to possible below the knee amputation, multiple abrasions, anxiety, physical pain and suffering, mental anguish, emotional and mental distress, loss or diminishment of enjoyment of life, current and/or future medical and/or hospital and/or rehabilitation expenses and/or lost earnings and/or diminished earning capacity, and such other and further general and special damages which shall be proven at time of trial.

COUNT II.

10. The allegations contained in Paragraphs 1-9 above are incorporated herein by reference.

11. While attempting to render aid to Plaintiff, Defendant HFD was responsible for a lifting jack falling on Plaintiff's leg thereby causing further injury and damages to Plaintiff.

12. As a direct and proximate result of the acts and/or omissions and/or negligence of Defendant HFD and/or Defendant County and/or JOHN DOES 1-10 and/or JANE DOES 1-10 and/or DOE PARTNERSHIPS 1-10 and/or DOE CORPORATIONS 1-10 and/or DOE ENTITIES 1-10 and who are liable to Plaintiff for the above-referenced injuries and damages, jointly and severally.

13. At all times material to this Complaint, Defendant HFD was the agent and/or servant and/or employee of Defendant County for which Defendant County is vicariously liable to Plaintiff pursuant to the doctrine of Respondeat Superior.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, as follows:

1. General damages in an amount within the jurisdiction of the Circuit Court of the Third Circuit, State of Hawaii;
2. Special damages in such amounts as will be proved at time of trial;
3. Prejudgment interest at the statutory rate from October 28, 2024 until judgment is rendered;
4. Attorney's fees, costs of suit, and such other and further relief as this Court deems just and proper.

DATED: Wailuku, Maui, Hawaii, FEB 11 2026

/s/ Joseph L. Wildman

ANTHONY P. TAKITANI
GILBERT S.C. KEITH-AGARAN
DAVID M. JORGENSEN
JOSEPH L. WILDMAN

Attorneys for Plaintiff
CODY CONAWAY

STATE OF HAWAII CIRCUIT COURT OF THE THIRD CIRCUIT	SUMMONS TO ANSWER CIVIL COMPLAINT	CASE NUMBER
---	---	-------------

PLAINTIFF CODY CONAWAY	vs.	DEFENDANT JONI-MAY BALANCIO; HAWAII FIRE DEPARTMENT; COUNTY OF HAWAII; JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10; DOE CORPORATIONS 1-10 and DOE ENTITIES 1-10
----------------------------------	-----	---

PLAINTIFF'S ADDRESS AND TELEPHONE NUMBER CODY CONAWAY c/o JOSEPH L. WILDMAN TAKITANI AGARAN JORGENSEN & WILDMAN, LLLP 24 NORTH CHURCH STREET, SUITE 409 WAILUKU, MAUI, HAWAII 96793 (808) 242-4049
--

TO THE ABOVE NAMED DEFENDANT(S)

You are hereby summoned and required to file with the court and serve upon JOSEPH L. WILDMAN, ESQ. TAKITANI AGARAN JORGENSEN & WILDMAN,

plaintiff's attorney, whose address is 24 NORTH CHURCH STREET, SUITE 409, WAILUKU, MAUI, HAWAII 96793

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

THIS SUMMONS SHALL NOT BE PERSONALLY DELIVERED BETWEEN 10:00 P.M. AND 6:00 A.M. ON PREMISES NOT OPEN TO THE GENERAL PUBLIC, UNLESS A JUDGE OF THE ABOVE-ENTITLED COURT PERMITS, IN WRITING ON THIS SUMMONS, PERSONAL DELIVERY DURING THOSE HOURS.

A FAILURE TO OBEY THIS SUMMONS MAY RESULT IN AN ENTRY OF DEFAULT AND DEFAULT JUDGMENT AGAINST THE DISOBEYING PERSON OR PARTY.

DATE ISSUED	CLERK	
-------------	-------	--

I do hereby certify that this is a full, true, and correct copy of the original on file in this office.	_____ CIRCUIT COURT CLERK
---	------------------------------

 In accordance with the Americans with Disabilities Act and other applicable state and federal laws, if you require a reasonable accommodation for a disability, please contact the ADA Coordinator at the Circuit Court Administration Office at PHONE NO. 961-7440, FAX 961-7416, or TTY 961-7525 at least ten (10) working days prior to your hearing or appointment date.