

# The case of 2987 kalakaua case study examples

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The case of 2987 Kalakaua is one that is ripe with conflict. Both sides - the owners and the association - are said to have engaged in many instances of verbal abuse, assault, and legal skirmishes. Overall, the case is a very difficult soup of personal, social, and legal issues that, in its own, is difficult to reconcile. The problem with this case is that apart from the fact that there are many different aspects to consider, it has been unnecessarily prolonged and therefore making it much more difficult to resolve. Add to the fact that accusations of discrimination and violence make the case much more complicated.

This case is an example of how big a problem can get if one or both parties refuse to cooperate and allow the issue to fester. A misunderstanding between next door neighbors that could have been solved through proper and unbiased mediation by the association has escalated into years of emotional exhaustion.

Looking into the case as presented by the article, both the owners and the association didn't seem to spend much time in negotiation. Both parties went into the attack; the owners by way of their letters and complaints and the alleged verbal attacks, and the association by way of letters, restrictions, and eventually, the foreclosure auction.

However, let us assume that while all these are happening, they are attempting to negotiate. Obviously, both the owners and the association approached the issue in a win or lose frame of mind and both parties intended to win. Both parties have stated what it is that they want and are prepared to accept nothing less.

Because of the degree of hostility present as well as the length of time of this problem, the best course of action would be to opt for arbitration.

Mediation is a process wherein an unbiased third party intercedes between the two parties and helps them settle into an agreement is beneficial to all parties involved. In this case, if they opt for mediation, it is possible that they would waste more time and resources in trying to settle on an agreement.

Again, given the history of the case, the events that occurred, the accusations thrown by each side, and the personal transgressions done, an agreement that would favor both parties does not seem possible.

Now, arbitration on the other hand, is quite similar to mediation in the sense that an unbiased and objective third party is brought in. However, in arbitration, the arbiter is the one who makes the final decision. As both parties cannot seem to agree on a solution, it is best if an arbiter hears both sides and come up with a decision in favor of one of the parties.

This case has escalated so as both sides feel aggrieved and hopeless that it will ever be resolved. However, given the proper process, an objective and unbiased arbitrator who is knowledgeable about the law, and enough time, it is possible that this issue could be resolved. This is if both parties comply with the requirements of the arbitration process. If, however, one or both parties continue to act as before and disrupt the whole process, the arbitration may fail and the issue can only be resolved in court or if one party gives up and walks away.

The arbiter may find it very difficult though. Apart from the legality of things, accusations of discrimination make things complicated. There is a possibility

that the actions of the association are based on the fact that they discriminate against the sexual preference of the owners. In fact, if you look at the very first complaint against the owners, things like “ taking long showers” does not really concern the neighbors; it really is quite possible that the neighbor is discriminating against the owners and his complaints is his way of oppressing them, make living in the building a bit more difficult.

The owners, accused of verbal attacks, may probably be acting out against the perceived discrimination, feeling that everything that the association and anyone in their building is doing is now directed against them.

These should be taken in to account by the arbiter, to make sure that those who are most aggrieved receive the compensation that is due them.

This case has stressed the impact of time, cooperation, and collaboration. Issues or disagreements that have been prolonged for whatever reason have the possibility of being escalated to the point of no resolution. Issues where one or both parties refuse to cooperate may also escalate to this point.

This case impacts how I negotiate in the future in such a way that I should feel that important issues that need negotiation should be addressed as soon as possible. Also, it impresses in me that apart from the sense of urgency, it is also imperative that I approach in to the negotiation with an open mind, to better understand where the other party is coming from to avoid stalemate.