



**DEPARTMENT OF THE ATTORNEY GENERAL**

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**State of Hawai'i Successfully Defends Multi-Million Dollar Lawsuit  
Concerning the Villages at Aina Le'a**

HONOLULU – The United States District Court – District of Hawai'i ruled in favor of the State of Hawai'i and the State's Land Use Commission (LUC) in a regulatory-taking lawsuit brought by developer DW Aina Le'a Development, LLC, relating to the Villages at Aina Le'a project in Waikōloa.

DW Aina Le'a Development, LLC, a Nevada company, sought \$360 million for damages to its "development rights" and lost profits stemming from an April 25, 2011 decision of the LUC to revert the project land from the urban district to the agricultural district. In its order granting the State summary judgment on all claims, the U.S. District Court ruled that DW Aina Le'a's claim that its development rights had been taken by the LUC's decision failed as a matter of law. Additionally, the U.S. District Court held that DW Aina Le'a lacked legal standing to pursue the lawsuit because it had assigned its legal claim to a separate company, Aina Le'a, Inc., which subsequently filed for bankruptcy in 2017.

"The Attorney General will vigorously defend all lawsuits that seek to extract money from State coffers based upon unsupported legal and factual theories," Attorney General Holly T. Shikada said. "The District Court's ruling correctly establishes that the State is not liable to the plaintiff for damages."

The State of Hawai'i previously prevailed in a separate but related regulatory-taking lawsuit filed by the landowner in *Bridge Aina Le'a, LLC v. Land Use Commission*.

A copy of the court's order can be found [here](#).

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