

ANNE E. LOPEZ 7609
Attorney General, State of Hawai'i

CRAIG Y. IHA 7919
LINDA L.W. CHOW 4756
KLEMEN URBANC 8891
JORDAN A.K. CHING 10772

Deputy Attorneys General
Department of the Attorney General, State of Hawai'i
425 Queen Street
Honolulu, Hawai'i 96813
Telephone: (808) 587-2978
Fax: (808) 586-1372

Attorneys for Respondents/Defendants
GOVERNOR OF THE STATE OF HAWAI'I and
HAWAI'I HOUSING FINANCE
AND DEVELOPMENT CORPORATION

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT
STATE OF HAWAI'I

LEONARD K. NAKOA III, DANIEL
PALAKIKO, TOM COFFMAN, LLEWELYN
(BILLY) KAOHELALI'I, VAL TURALDE,
ELIZABETH OKINAKA, TOM KEALI'I
KANAHELE, RUPERT ROWE, ELLEN
EBATA and JEFFREY LINDNER,
individuals,

Petitioners/Plaintiffs,

vs.

GOVERNOR OF THE STATE OF HAWAI'I,
HAWAI'I HOUSING FINANCE AND
DEVELOPMENT CORPORATION, State of
Hawai'i,

Respondents/Defendants.

SP NO. 2CSP-23-0000046(2)
(Quo Warranto)

ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS AMENDED
COMPLAINT FOR DECLARATORY
RELIEF FILED MARCH 19, 2024, FILED
APRIL 10, 2024, AND DENYING
PLAINTIFFS' MOTION FOR SUMMARY
JUDGMENT FILED ON APRIL 29, 2024

HEARING MOTION:

Judge: Honorable Peter T. Cahill
Hearing Date: May 17, 2024
Hearing Time: 8:15 a.m.

Trial: Not Yet Set

Electronically Filed
SECOND CIRCUIT
2CSP-23-0000046
03-JUN-2024
04:30 PM
Dkt. 110 ORD

ORDER GRANTING DEFENDANTS' MOTION TO DISMISS
AMENDED COMPLAINT FOR DECLARATORY RELIEF FILED
MARCH 19, 2024, FILED APRIL 10, 2024, AND DENYING PLAINTIFFS'
MOTION FOR SUMMARY JUDGMENT FILED ON APRIL 29, 2024

Defendants' the Governor of the State of Hawai'i and the Hawaii Housing Finance and Development Corporation ("Defendants") Motion to Dismiss Amended Complaint for Declaratory Relief and Plaintiffs' Leonard K. Nakoa III, Daniel Palakiko, Tom Coffman, Llewelyn (Billy) Kaohelauli'i, Val Turalde, Elizabeth Okinaka, Tom Keali'i Kanahale, Rupert Rowe, Ellen Ebata, and Jeffrey Lindner ("Plaintiffs") Motion for Summary Judgment came on for hearing before the Honorable Peter T. Cahill, on May 17, 2024. Lance D. Collins, Esq. appeared on behalf of Plaintiffs. Deputy attorneys general Klemen Urbanc and Linda L.W. Chow appeared on behalf of Defendants.

The Court reviewed and considered the following filings by the parties:

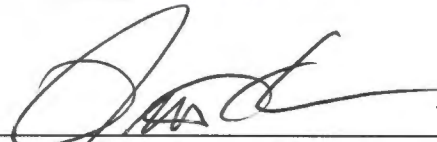
1. Defendants' Motion to Dismiss Amended Complaint for Declaratory Relief filed March 19, 2024 [DKT 84]; Memorandum in Support of Respondents' Motion to Dismiss Amended Complaint for Declaratory Relief filed March 19, 2024 [DKT 84]; Notice of Hearing filed on April 10, 2024 ("Defendants' Motion to Dismiss");
2. Petitioners' Motion for Summary Judgment; Memorandum in Support of Motion; Declaration of Leonard K. Nakoa, III; Notice of Hearing; Exhibits "A" – "C"; Certificate of Service filed on September 18, 2023 ("Petitioners' Motion for Summary Judgment");
3. Defendants' Memorandum in Opposition to Petitioners' Motion for Summary Judgment filed on April 29, 2024 [DKT 89]; Declaration of Linda L.W. Chow; Declaration of Tamara S.I. Whitney; Exhibits 1-3 filed on May 9, 2024;

4. Plaintiffs' Memorandum in Opposition to Defendants' Motion to Dismiss Amended Complaint for Declaratory Relief filed April 10, 2024 [DKT87]; Declaration of Leonard K. Nakoa III; Declaration of Tom Coffman; Declaration of Tom K. Kanahele; Declaration of Llewelyn (Billy) Kaohelaui'; Declaration of Val Turalde; Declaration of Elizabeth Okinaka; Declaration of Ellen Ebata; Declaration of Jeffrey Lindner; Declaration of Rupert Rowe; Certificate of Service filed on May 9, 2024;
5. Plaintiffs' Reply Memorandum in Support of Motion for Summary Judgment; Certificate of Service filed May 14, 2024; and
6. Reply Memorandum in Support of Defendants' Motion to Dismiss Amended Complaint for Declaratory Relief filed March 19, 2024 [DKT 84] filed May 14, 2024.

After reviewing all of the above noted pleadings, declarations and exhibits attached thereto, the records and files contained herein, and the arguments presented by counsel at the hearing, the Court grants Defendants' Motion to Dismiss Amended Complaint and denies Plaintiffs' Motion for Summary Judgment.

JUN - 3 2024

DATED: Wailuku, Hawai'i, _____.



JUDGE OF THE ABOVE-ENTITLED COURT



APPROVED AS TO FORM:

/s/Lance D. Collins

Lance D. Collins, Esq.

Bianca Isaki, Esq.

Linda J. Nye, Esq.

Ryan D. Hurley, Esq.

Attorneys for Petitioners/Plaintiffs

Leonard K. Nakoa III, Daniel Palakiko,

Tom Coffman, Llewelyn (Billy) Kaohelaui'i,

Val Turalde, Elizabeth Okinaka, Tom Keali'i

Kanahele, Rupert Rowe, Ellen Ebata, and

Jeffrey Lindner, individuals

NAKOA v. GOVERNOR OF THE STATE OF HAWAI'I, et al., SP NO. 2CSP-23-0000046(2);
*Order Granting Plaintiffs' Motion to Dismiss Amended Complaint for Declaratory Relief filed
March 19, 2024, filed April 10, 2024, and Denying Plaintiffs' Motion for Summary Judgment
filed On April 29, 2024*