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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)

FINAL JUDGMENT

HEARING MOTION:

Judge: Honorable Peter T. Cahill

Hearing Date: May 17, 2024

Hearing Time: 8:15 a.m.

Trial: Not Yet Set

FINAL JUDGMENT

On August 28, 2023, Petitioners Leonard K. Nakoa III, Daniel Palakiko, Tom Coffman,

Electronically Filed
SECOND CIRCUIT
2CSP-23-0000046
03-JUN-2024
04:32 PM
Dkt. 112 JDG

Llewelyn (Billy) Kaohelaui'i, Val Turalde, Elizabeth Okinaka, Tom Keali'i Kanahele, Rupert Rowe, Ellen Ebata, and Jeffrey Lindner filed a Petition for Writ of Quo Warranto (Petition) against Respondents Nani Medeiros and the Build Beyond Barriers Working Group. JEFS Dkt. 1. The Petition challenged the Proclamation Relating to Housing issued by the Governor of the State of Hawai'i on July 17, 2023 (Proclamation) and asserted two counts: (1) that the establishment of the State Lead Housing Officer and Build Beyond Barriers Working Group was unlawful because the declaration of a state of emergency was a violation of Chapter 127A, Hawaii Revised Statutes (HRS), and (2) the Rulemaking under the Proclamation exceeded the authority of Chapter 127A, HRS. JEFS Dkt. 1.

On March 15, 2024, the court granted the Respondents' Motion to Dismiss Amended Petition for Quo Warranto and denied Petitioners' Motion for Summary Judgment and granted leave for Petitioners to file a motion for leave to amend the Amended Petition for Quo Warranto. JEFS Dkt. 76.

On March 19, 2024, the court granted in part and denied in part Plaintiffs' Motion for Leave to Amend Petition for Quo Warranto, as amended. JEFS Dkt. 80. Also on March 19, 2024, 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, filed an Amended Complaint for Declaratory Relief (Amended Complaint) against Defendants Governor of the State of Hawai'i and the Hawaii Housing Finance and Development Corporation. JEFS Dkt. 84. The Amended Complaint asserted two counts: (1) that the proclamations relating to affordable housing that had been issued by the Governor were unlawful because the declaration of a state of emergency was a violation of Chapter 127A, Hawaii Revised Statutes (HRS) (Count 1), and (2) the Rulemaking under the

Proclamation exceeded the authority of Chapter 127A, HRS (Count 2). JEFS Dkt. 84.

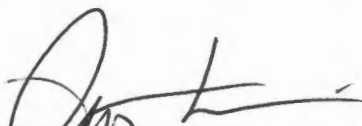
On _____, the court granted Defendants' Motion to Dismiss Amended Complaint for Declaratory Relief and denied Plaintiffs' Motion for Summary Judgment. JEFS Dkt. ____.

NOW THEREFOR IT IS HEREBY ORDERED AND ADJUDGED, pursuant to Haw. R. Civ. Pro. R. 58, that judgment is entered in favor of Defendants Governor of the State of Hawai'i and Hawaii Housing Finance and Development Corporation and against 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, upon Counts 1 and 2 of the Amended Complaint. Any and all remaining claims or parties, if any, are dismissed with prejudice.

DATED: Wailuku, Hawai'i, _____.

JUN -3 2024





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
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Val Turalde, Elizabeth Okinaka, Tom Keali'i
Kanahele, Rupert Rowe, Ellen Ebata, and
Jeffrey Lindner, individuals

NAKOA v. GOVERNOR OF THE STATE OF HAWAII'I, et al., SP NO. 2CSP-23-0000046(2);
Final Judgment