

## PSLU Committee

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**From:** Brian Bilberry <Brian.Bilberry@co.mauhi.us>  
**Sent:** Tuesday, September 28, 2021 1:28 PM  
**To:** PSLU Committee  
**Cc:** Alison N. Stewart; Wilton A. Leuanae  
**Subject:** RE: Re PSLU-32 Community Plan Amendment, District Boundary Amendment, and Change in Zoning for Nahiku Community Center  
**Attachments:** 2021-06-08 2CC Doc No 290 Stipulation for Dismissal.pdf

Some people who received this message don't often get email from brian.bilberry@co.mauhi.us. [Learn why this is important](#)

The Stipulation for Dismissal of the case *County of Maui v. Maui Kupono Builders, LLC*, Case No. 15-1-0421(1) is attached. The stipulation was filed with the court and terminated the lawsuit on June 8, 2021.

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**From:** Wilton A. Leuanae <Wilton.Leuanae@mauicounty.us>  
**Sent:** Tuesday, September 28, 2021 1:21 PM  
**To:** Brian Bilberry <Brian.Bilberry@co.mauhi.us>  
**Cc:** Alison N. Stewart <Alison.Stewart@mauicounty.us>  
**Subject:** Re PSLU-32 Community Plan Amendment, District Boundary Amendment, and Change in Zoning for Nahiku Community Center

Aloha Brian,

Please send settlement confirmation of the lawsuit relating to the above-referenced item to.

Mahalo,

Wilton Leuanae  
Legislative Analyst  
Office of Council Services  
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Email: [wilton.leuanae@mauicounty.us](mailto:wilton.leuanae@mauicounty.us)

Of Counsel:  
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**Electronically Filed**  
**SECOND CIRCUIT**  
**2CC151000421**  
**08-JUN-2021**  
**12:28 PM**  
**Dkt. 290 STDSM**

Attorneys for Defendant/Counterclaim Plaintiff  
MAUI KUPONO BUILDERS LLC and  
Defendant TRAVELERS CASUALTY AND  
SURETY COMPANY OF AMERICA

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

COUNTY OF MAUI,	)	CIVIL NO. 15-1-0421(1)
	)	
Plaintiff,	)	<b>STIPULATION FOR DISMISSAL</b>
	)	<b>WITH PREJUDICE OF ALL CLAIMS</b>
vs.	)	<b>AND ALL PARTIES and ORDER</b>
	)	
MAUI KUPONO BUILDERS LLC;	)	
TRAVELERS CASUALTY AND SURETY	)	<b><u>TRIAL</u></b>
COMPANY OF AMERICA, et al.,	)	<b>DATE:</b> March 2, 2021
	)	<b>TIME:</b> 10:00 A.M.
Defendants.	)	<b>JUDGE:</b> Honorable Rhonda I.L. Loo
_____	)	
	)	
MAUI KUPONO BUILDERS LLC,	)	
	)	
Defendant/Counterclaim	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
COUNTY OF MAUI,	)	
	)	
Plaintiff/Counterclaim	)	
Defendant.	)	
_____	)	

**STIPULATION FOR DISMISSAL WITH PREJUDICE OF  
ALL CLAIMS AND ALL PARTIES**

IT IS HEREBY STIPULATED, by and between the parties, Plaintiff/Counterclaim Defendant COUNTY OF MAUI, Defendant/Counterclaim Plaintiff MAUI KUPONO BUILDERS LLC, and Defendant TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, by and through their respective counsel, that pursuant to Hawaii Rules of Civil Procedure Rule 41(a)(1)(B) and Rule 41.1, the Complaint filed herein on August 5, 2015 identified as *County of Maui v. Maui Kupono Builders LLC, et al.*; Civil No. 15-1-0421(1), and Maui Kupono Builders LLC's Counterclaim Against Plaintiff County of Maui, filed October 1, 2015, are hereby dismissed, with prejudice, as to all claims and all parties.

All appearing parties have signed this Stipulation. Each party shall bear its own attorneys' fees and costs. There are no remaining parties, claims, or issues.

DATED: Honolulu, Hawaii, June 7, 2021.

DAMON KEY LEONG KUPCHAK HASTERT

/s/ Anna H. Oshiro

ANNA H. OSHIRO

LOREN A. SEEHASE

Attorneys for Defendant/Counterclaim Plaintiff  
MAUI KUPONO BUILDERS LLC AND  
Defendant TRAVELERS CASUALTY AND  
SURETY COMPANY OF AMERICA

DATED: Wailuku, Hawaii, June 7, 2021.

MOANA M. LUTEY  
Acting Corporation Counsel

By/s/ Brian A. Bilberry  
BRIAN A. BILBERRY  
Deputy Corporation Counsel

Attorneys for Plaintiff/Counterclaim Defendant  
COUNTY OF MAUI

APPROVED AND SO ORDERED:

Blaine Hotayashi  
JUDGE OF THE ABOVE-ENTITLED COURT

