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COUNTY COUNCIL

January 9, 2015

MEMO TO: Donald S. Guzman, Chair
Committee of the Whole

FROM: Brian A. Bilberry
Deputy Corporation Counsel

SUBJECT: Litigation Matter – Status Update on Pending Litigation [COW-1]
Ocean Resort Villas Vacation Owners Association, et al. v. County of Maui, et al., Civil No. 13-1-0848(2)

Our Department respectfully requests the opportunity to discuss with the Committee the litigation of the above-referenced case, and update on the status of document discovery to date, evidence identified by Plaintiffs as to liability to date, and preparation for depositions. We would like this matter heard at the next available committee meeting, and in any event prior to January 26th, as we are proposing deposition scheduling for each and all council members in the last week of January and first two weeks of February 2015. Trial of the case is currently set to commence May 18th, 2015.

A copy of the First Amended Complaint is attached hereto.

It is anticipated that an executive session may be necessary to discuss questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.

Should you have any questions or concerns, please do not hesitate to contact me. Thank you for your anticipated assistance in this matter.

Attachment

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FILED
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K. MAEDA, CLERK
SECOND CIRCUIT COURT
STATE OF HAWAII

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CORPORATION COUNSEL
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IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAI'I

OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, a domestic nonprofit corporation; OCEAN RESORT VILLAS NORTH VACATION OWNERS ASSOCIATION, a domestic nonprofit corporation; VIC H. HENRY; AND PETER A. BAGATELOS,	CIVIL NO. 13-1-0848(2) (Other Civil Action)
Plaintiffs,	**FIRST AMENDED** COMPLAINT; CERTIFICATE OF SERVICE
vs.	Judge: The Honorable Peter T. Cahill
COUNTY OF MAUI; MAUI COUNTY COUNCIL; JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10; DOE CORPORATIONS 1-10; DOE GOVERNMENTAL ENTITIES 1-10; AND DOE ENTITIES 1-10,	TRIAL DATE: February 17, 2015
Defendants.	

I hereby certify that this is a full, true and correct copy of the Original.

Clerk, Second Circuit Court

FIRST AMENDED COMPLAINT

Plaintiffs OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, a domestic nonprofit corporation; OCEAN RESORT VILLAS NORTH VACATION OWNERS ASSOCIATION, a domestic nonprofit corporation; VIC H. HENRY; and PETER A. BAGATELOS (collectively, "Plaintiffs"), by and through their attorneys, McCorriston Miller Mukai MacKinnon LLP, allege and aver a complaint against Defendants County of Maui ("Maui County") and the Maui County Council ("Council") (collectively, "Defendants") as follows:

1. This action challenges the constitutionality of Maui County's real property tax classification and tax rate on timeshare properties and seeks to void the 2014 fiscal year tax rate on timeshare properties as adopted in violation of Hawai'i's Sunshine Law.

PARTIES

2. Plaintiff OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION ("Plaintiff ORV") is, and was at all relevant times, a domestic nonprofit corporation registered under the laws of the State of Hawai'i. Plaintiff ORV is comprised of a community of timeshare owners at the Westin Ka'anapali Ocean Resort Villas, acting by and through its board of directors. The Westin Ka'anapali Ocean Resort Villas is located in the County of Maui, State of Hawai'i.

3. Plaintiff OCEAN RESORT VILLAS NORTH VACATION OWNERS ASSOCIATION ("Plaintiff ORV North") is, and was at all relevant times, a domestic nonprofit corporation registered under the laws of the State of Hawai'i. Plaintiff ORV North is comprised of a community of timeshare owners at the Westin Ka'anapali Ocean Resort North Villas, acting by and through its board of directors. Westin Ka'anapali Ocean Resort North Villas is located in the County of Maui, State of Hawai'i.

4. Plaintiff ORV and Plaintiff ORV North (collectively, "Plaintiff Associations") collect annual membership assessments from their timeshare owners, which include, as a component, real property taxes. Plaintiff Associations then transfer the real property taxes collected to Maui County. When a timeshare owner is delinquent on his or her assessment, Plaintiff Associations pay the real property tax on behalf of the delinquent owner to prevent a foreclosure of the entire timeshare unit.

5. Plaintiff VIC H. HENRY ("Henry") is and at all times relevant to this Complaint was a citizen and resident of the State of Texas. At all times relevant to this Complaint, Plaintiff Henry has owned a timeshare in the Westin Ka'anapali Ocean Resort Villas.

6. Plaintiff PETER A. BAGATELOS ("Bagatelos") is and at all times relevant to this Complaint was a citizen and resident of the State of California. At all times relevant to this Complaint, Plaintiff Bagatelos has owned a timeshare in the Westin Ka'anapali Ocean Resort Villas North. Plaintiff Henry and Plaintiff Bagatelos are collectively referred to as "Individual Timeshare Plaintiffs."

7. Defendant MAUI COUNTY is a municipal corporation of the State of Hawai'i. Maui County has waived its sovereign immunity with respect to the claims raised in this complaint.

8. Defendant COUNCIL is the legislative body of Maui County. The Council's powers include the ability to legislate taxes, including taxes on real property in the County of Maui.

9. Defendants JOHN DOES 1-10, JANE DOES 1-10, DOE PARTNERSHIPS 1-10, DOE CORPORATIONS 1-10, DOE GOVERNMENTAL ENTITIES 1-10, AND DOE ENTITIES 1-10 (collectively, "Doe Defendants") are persons, partnerships, corporations,

associations, governmental entities and/or unincorporated associations whose names, identities, capacities, activities and/or responsibilities are presently unknown to Plaintiffs or their attorneys. Despite having made a good faith effort, Plaintiffs have not been able to determine those Doe Defendants' identities, except that those Doe Defendants are persons, partnerships, corporations, associations, governmental entities and/or unincorporated associations that were or are in some way responsible for Plaintiffs' damages.

JURISDICTION AND VENUE

10. Jurisdiction in this Court is proper pursuant to Hawai'i Revised Statutes ("HRS") section 632-1.

11. Venue for this Complaint is proper pursuant to HRS section 603-36, as the claim arose in the Second Circuit.

BACKGROUND

A. "Timeshare" Classification.

12. In November 2004, Maui County Mayor Alan Arakawa and the Council adopted Bill 76, which was enacted as Ordinance No. 3227. Ordinance No. 3227 amended Maui County Code section 3.48.305 to create a new and separate real property tax classification for timeshares.

13. Upon information and belief, from November 2004 until August 7, 2013, Maui County was the only local government in the United States with a separate real property tax classification for timeshares. On August 7, 2013, the City and County of Honolulu created a separate real property tax classification for timeshares. However, the City and County of Honolulu has yet to set a tax rate.

B. Setting the Timeshare Real Property Tax Rate.

14. Upon information and belief, the Council began discussing the initial real property tax rate on timeshares at its annual Budget and Finance ("B&F") session in early 2005. The prior fiscal year, timeshares in Maui County were included in the "Hotel & Resort" real property tax classification, and were taxed at the rate of $8.30 per $1,000 of the assessed value.

15. At a March 2005 B&F Committee meeting, the Director for Maui County's Department of Finance ("Finance Director") presented the administration's proposed tax rates for all real property categories for the 2006 fiscal year. The administration's proposed tax rate for timeshares was $16.00 per $1,000 of the assessed value—nearly double what timeshares had been taxed for the 2005 fiscal year, when timeshares were included in the Hotel and Resort classification. The Finance Director explained that the proposed $16.00 per $1,000 tax rate was "philosophical" and not based on any clear cut or focused analysis.

16. At that same meeting, the Finance Director also presented the results of his informal "study" that suggested that a tax rate of $21.25 per $1,000 on timeshares was necessary to make up for losses in transient accommodations tax ("TAT") revenue. The TAT is a tax imposed by the State of Hawai'i on transient accommodations. Revenues from it are typically shared with the counties, with Maui County receiving approximately 10% of the total TAT revenue. The State has the power to reduce or repeal the distribution of TAT to the counties.

17. At an April 2005 B&F Committee meeting, the Finance Director clarified that the $21.25 per $1,000 tax rate reflected the rate necessary to make up for the total decrease in TAT revenue on a State-wide level, rather than the loss to Maui County specifically, which would be "around . . . [$]9.30 to 10.50" per $1,000.

18. During the same meeting, B&F Committee Chairman Dain Kane ("Chairman Kane") acknowledged that the Council did not "have anything in writing telling us what the overall impacts [of timeshares] are." Due to the lack of information, Chairman Kane advised that he would "have a problem with supporting the $16" proposed tax rate "because, just in philosophy . . . 100 percent increase on anybody without having any type of rational nexus to justify that type of increase . . . is difficult for your Chair." (Emphasis added.)

19. Former Councilmember Charmaine Tavares agreed with Chairman Kane, stating: "[W]e do need to have . . . a study on the impacts . . . so that we know fully what those" impacts are. "[M]aybe we are totally underestimating what the impacts are and maybe we are overestimating them."

20. The Council ultimately set the initial tax rate for the "Timeshare" classification at $14.00 per $1,000 of value, resulting in both the highest tax rate classification in Maui County as well as the highest tax rate on timeshares in the United States.

21. At the same time it decided the initial timeshare tax rate, the Council recognized that it did not have a formal means of justifying the high tax rate on timeshares.

22. The Council paid Hospitality Advisors, LLC, a Honolulu-based tourism consultancy, $75,000 to prepare a report reviewing the impact of timeshare conversions on Maui County.

23. In June 2006, Hospitality Advisors LLC and the University of Hawai'i School of Travel Industry released their study to Maui County ("Hospitality Advisors study") analyzing "economic and social impact . . . due to timeshare conversions on the County of Maui."

24. The Hospitality Advisors study did not find "any major social or economic impact on the County of Maui resulting from conversions of hotel to timeshare product," because the

timeshare industry was "small compared to the islands' more developed hotel and condo-hotel market." In contrast to the Council's concern that the timeshare conversions were not generating enough TAT revenue, the Hospitality Advisors study concluded that the loss of TAT revenue for Maui County was "fairly modest." Overall, timeshare conversions had "little impact" on Maui County.

25. Upon information and belief, Defendants have not commissioned any additional studies on the impact of timeshares, and otherwise do not have any reports concluding that timeshare owners impose a greater burden than hotel and resort visitors on Maui County's infrastructure or resources.

26. Between fiscal year 2006 and fiscal year 2014, the tax rate applied to timeshare owners exceeded the tax rate applied to the other classifications as follows:

a. 167% - 169% higher than Hotel & Resort;

b. 250% - 308% higher than Apartment;

c. 270% - 289% higher than Residential;

d. 344% - 357% higher than Commercialized Residential; and

e. 400% - 700% higher than Homeowner.

C. Comments by Councilmembers.

27. The disparity in the tax rates arises from the Council's animus against timeshare owners and the timeshare community.

a. When considering the initial timeshare tax rate in 2005, current Councilmember G. Riki Hokama ("Councilmember Hokama") stated: "I will tell you now, I will not view time-share as residential property and give them any type of residential consideration."

In 2006, a Hawai'i news publication quoted Councilmember Hokama as stating, "I don't see it being a need in our county to have time share. That's not the visitor that I want here."

b. During discussions in 2005 about the initial timeshare tax rate, former Councilmember Michelle Anderson ("Councilmember Anderson") stated that she did not want to "just turn over the development of our tourist industry to corporate entities who have no vested interest in Maui County." Councilmember Anderson also stated that a higher tax rate "might send a message to the [timeshare] industry that Maui doesn't want timeshare," and that she was "not interested in providing a convenience for the visitor. I'm interested in spending taxpayer dollars to help the taxpayers of Maui . . . the tourist industry should be footing the bill, not the taxpayers."

c. Concerning the initial timeshare tax rate, former Councilmember Joseph Pontanilla stated that, "as far as curbing . . . hotels converting to timeshares, I would like to see a gradual increase as far as the timeshares' rate, maybe in two years' time, you know, reach the magic number of [$]21.25" per $1,000.

d. In 2009, although not a member of the Council at the time, Councilmember Hokama presented testimony on the budget proposal and stated: "[H]ow are you going to get the tax revenues from a visitor who may never come? You might as well tax hotel resorts and time shares more because you know you're going to guarantee get that revenue from the real property."

28. Upon information and belief, the Council continues to rely on the Finance Director's informal "study" to justify continuing to tax timeshares at a rate higher than the Hotel and Resort classification.

29. For example, during the 2011 B&F session, Councilmember Hokama and Councilmember Donald G. Couch, Jr. ("Councilmember Couch") both referred to the Finance Director's $21.25 calculation to justify raising the timeshare tax rate for the 2012 fiscal year.

a. Councilmember Hokama stated that it was "interesting that [testifiers] were complaining about [$]14 to [$]19" per $1,000 in proposed increased tax rate "when in 2005 there was a recommendation. $21."

b. Councilmember Couch asked a person who testified against a proposed increase in the timeshare tax rate if he was "aware that the [proposed tax rate] is much lower than a study that started this whole thing off suggest[ing] that [the rate] be $21.00 a thousand as opposed to the original [$]14 . . . That was a study that was done to see how much in revenue the timeshares would bring into Maui compared to a hotel room. The study said it should be $21.00 and it only went to [$]14."

D. <u>2014 Fiscal Year Real Property Tax Rates in Maui County.</u>

30. On May 22, 2013, the Council voted and adopted Resolution No. 13-60, setting the real property tax rates for the 2014 fiscal year.

31. Upon information and belief, prior to the final vote on May 22, 2013, Councilmembers circulated memoranda amongst themselves that provided substantive explanations or justifications in support of proposed tax rates for the Timeshare classification.

32. Upon further information and belief, through memoranda or other communications, Councilmembers sought to secure other Councilmembers' commitment to vote on the timeshare tax rate.

33. Upon information and belief, prior to the final vote on May 22, 2013, Councilmembers used electronic communications or engaged in interactions in violation of the

spirit and requirements of HRS chapter 92 ("Sunshine Law"), for the purpose of reaching a decision on the real property tax rate to be imposed on Timeshares.

34. For the 2014 fiscal year, timeshares were taxed at the increased rate of $15.55 per $1,000 of assessed value—once again bearing the highest real property tax rate. The real property tax rates for Maui County's 2014 fiscal year are set forth as follows:

2014 Fiscal Year Real Property Tax Rates For Maui County	
Classification	**Tax Rate**
Residential	$5.75
Apartment	$6.40
Commercial	$7.05
Industrial	$7.30
Agriculture	$6.05
Conservation	$6.25
Hotel & Resort	$9.40
Timeshare	**$15.55**
Homeowner	$2.87
Commercialized Residential	$4.60

35. Comparatively, the timeshare tax rate for fiscal year 2014 was: 165% higher than Hotels & Resorts; 243% higher than Apartments; 270% higher than Residential; 338% higher than Commercialized Residential; and 542% higher than Homeowners.

36. In June 2013, Individual Timeshare Plaintiffs received their real property tax bills for the 2014 fiscal year. On August 13, 2013, Plaintiff Associations transmitted a full payment of $3.9 million to Maui County, but noted that they were paying under protest.

E. <u>2015 Fiscal Year Real Property Tax Rates in Maui County.</u>

37. On May 7, 2014, the Council announced its intent to set the real property tax rates for Maui County's 2015 fiscal year as follows:

2015 Fiscal Year Real Property Tax Rates For Maui County	
Classification	**Tax Rate**
Residential	$5.57

Apartment	$6.20
Commercial	$6.83
Industrial	$7.07
Agriculture	$5.86
Conservation	$6.06
Hotel & Resort	$9.11
Timeshare	**$15.07**
Homeowner	$2.78
Commercialized Residential	$4.46

38. The timeshare tax rate for fiscal year 2015 will be: 165% higher than Hotels & Resorts; 243% higher than Apartments; 270% higher than Residential; 338% higher than Commercialized Residential; and 542% higher than Homeowners

39. Because the overwhelming majority of timeshare owners in the County of Maui are nonresidents, the timeshare tax classification and tax rate were designed so that the real property tax falls disproportionately on nonresidents who cannot vote in Maui County elections in order to rectify the disparate taxation.

40. As Defendants' own study by Hospitality Advisors, LLC demonstrates, timeshare use is no different than hotel and resort use. Accordingly, timeshares should not be taxed separately and should be taxed in the Hotel & Resort real property tax classification.

COUNT I

(Violation of Equal Protection Clauses of U.S. Constitution and Hawai'i Constitutions)

41. Plaintiffs repeat, re-allege, and incorporate by reference the allegations contained in paragraphs 1 through 40 above as though fully set forth herein.

42. The Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution prohibits a state or any political subdivision from denying "to any person within its jurisdiction the equal protection of the laws."

43. The equal protection clause of the Hawai'i Constitution provides that "[n]o person shall . . . be denied the equal protection of the laws . . . ." Haw. Const. art. I, § 5.

44. The Timeshare classification adopted, implemented, and enforced by Defendants denies Plaintiffs the equal protection of the laws because the Timeshare classification draws an arbitrary and irrational distinction between timeshare properties and hotel and resort properties.

45. Additionally, despite the fact that timeshare owners use their units much like transient hotel guests, Maui County's tax rate on timeshares has been between 165% and 169% higher than the tax rate on hotels and resorts.

46. The County also knowingly and intentionally designed the timeshare classification so that the highest tax burden would fall on nonresidents, who comprise the overwhelming majority of timeshare owners. Accordingly, the timeshare classification violates the Equal Protection Clause because it taxes nonresident timeshare owners at an unjustifiably higher tax rate than similarly-situated residents.

47. Plaintiffs are entitled to a declaration that Maui County's timeshare classification and timeshare tax rate violate the equal protection clause of the U.S. and Hawai'i Constitutions by intentionally and arbitrarily categorizing and treating Plaintiffs differently compared with others similarly situated and without a rational basis for the difference in treatment.

COUNT II
(Violation of Due Process Clauses of U.S. and Hawai'i Constitutions)

48. Plaintiffs re-allege and hereby incorporate by reference paragraphs 1 through 47 above as if set forth in full herein.

49. The Due Process Clause of the Fourteenth Amendment to the U.S. Constitution prohibits a state or any political subdivision from depriving "any person of life, liberty, or property, without due process of law[.]" U.S. Const. Amend. 14, § 1.

50. The equal protection clause of the Hawai'i Constitution provides that "[n]o person shall be deprived of life, liberty or property without due process of law[.]" Haw. Const. art. I, § 5.

51. Upon information and belief, Defendants violated the Sunshine Law while the real property tax rates for the 2014 and 2015 fiscal years were being considered by the Council when Councilmembers circulated memoranda or engaged in other improper interactions or discussions, thereby circumventing the spirit or requirements of the Sunshine Law.

52. Upon information and belief, these memoranda and improper interactions or discussions by Councilmembers undermined Plaintiffs' ability to witness and participate in the democratic process of setting the tax rate for the Timeshare classification.

53. As a result of Defendants' violations of the Sunshine Law, Plaintiffs are entitled to a declaration that Defendants violated the Due Process Clause of the U.S. and Hawai'i Constitutions by depriving Plaintiffs of life, liberty or property without due process of law.

COUNT III
(Violation of Sunshine Law—FY 2014 Budget and Finance Session)

54. Plaintiffs re-allege and hereby incorporate by reference paragraphs 1 through 53 above as if set forth in full herein.

55. Under HRS section 92-1, it is the policy of the State of Hawai'i that "the formation and conduct of public policy—the discussions, deliberations, decisions, and action of governmental agencies—shall be conducted as openly as possible."

56. Under HRS section 92-11, "[a]ny final action taken in violation of [HRS] sections 92-3 and 92-7 may be voidable upon proof of violation."

57. As the Hawai'i Supreme Court held in Kanahele v. Maui County Council, Civ. No. 08-1-0115(3); SCWC-29649 (Haw. Aug. 8, 2013), the circulation of memoranda amongst

Councilmembers that provide substantive explanations or justifications in support of pending legislation are a violation of the Sunshine Law.

58. Upon information and belief, while the real property tax rates for the 2014 fiscal year were being considered by the Council, Councilmembers circulated memoranda or engaged in other improper interactions or discussions, thereby circumventing the spirit or requirements of the Sunshine Law.

59. Upon information and belief, these memoranda and improper interactions or discussions by Councilmembers undermined Plaintiffs' ability to witness and participate in the democratic process of setting the tax rate for the Timeshare classification.

60. As a result of Defendants' violations of the Sunshine Law, Plaintiffs are entitled to a declaration that the timeshare tax rate set forth in Resolution No. 13-60 is void.

COUNT IV
(Violation of Sunshine Law—FY 2015 Budget and Finance Session)

61. Plaintiffs re-allege and hereby incorporate by reference paragraphs 1 through 60 above as if set forth in full herein.

62. Upon information and belief, while the real property tax rates for the 2015 fiscal year were being considered by the Council, Councilmembers circulated memoranda or engaged in other improper interactions or discussions, thereby circumventing the spirit or requirements of the Sunshine Law.

63. Upon information and belief, these memoranda and improper interactions or discussions by Councilmembers undermined Plaintiffs' ability to witness and participate in the democratic process of setting the tax rate for the Timeshare classification.

64. As a result of Defendants' violations of the Sunshine Law, Plaintiffs are entitled to a declaration that the timeshare tax rate set forth in Resolution No. 14-54 is void.

WHEREFORE, Plaintiffs pray that judgment be entered as follows:

A. That judgment be entered in favor of Plaintiffs and against Defendants as set forth in the foregoing Counts;

B. For a binding declaration by this Court that:

(i) Ordinance No. 3227, creating a real property tax classification for timeshares separate from Hotel & Resort, is unconstitutional as a violation of the U.S. and Hawai'i Constitutions;

(ii) Maui County's real property tax rate for timeshares is unconstitutional as a violation of the U.S. and Hawai'i Constitutions;

(iii) The portions of Maui County Resolution No. 13-60 that apply to timeshare real property taxes are void as a violation of the Sunshine Law;

(iv) The portions of Maui County Resolution No. 14-54 that apply to timeshare real property taxes are void as a violation of the Sunshine Law; and

(v) Defendants violated the Due Process Clause of the U.S. and Hawai'i Constitutions when violations of the Sunshine Law occurred;

C. That the Court award Plaintiffs damages in an amount to be proven at trial;

D. That the Court award Plaintiffs their attorneys' fees and costs and prejudgment and post-judgment interest as allowed by law; and

E. That the Court award Plaintiffs such further and other equitable legal relief as it deems just and proper.

DATED: Honolulu, Hawai'i, AUG 2 7 2014.

ROBERT G. KLEIN
JORDON J. KIMURA
COURTNEY K. SUE-AKO

Attorneys for Plaintiffs
OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, OCEAN RESORT VILLAS NORTH VACATION OWNERS ASSOCIATION, VIC H. HENRY, AND PETER A. BAGATELOS

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, a domestic nonprofit corporation; OCEAN RESORT VILLAS NORTH VACATION OWNERS ASSOCIATION, a domestic nonprofit corporation; VIC H. HENRY; AND PETER A. BAGATELOS, Plaintiffs, vs. COUNTY OF MAUI; MAUI COUNTY COUNCIL; JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10; DOE CORPORATIONS 1-10; DOE GOVERNMENTAL ENTITIES 1-10; AND DOE ENTITIES 1-10, Defendants.	)	CIVIL NO. 13-1-0848 (2) (Other Civil Action CERTIFICATE OF SERVICE

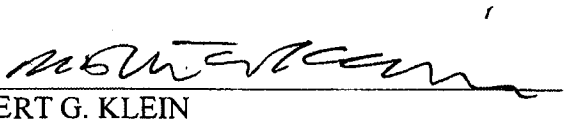
CERTIFICATE OF SERVICE

THE UNDERSIGNED HEREBY CERTIFIES that on this date, a true and correct copy of the foregoing document was duly served upon the following individuals via U.S. mail, first-class postage pre-paid (M) and/or hand-delivery (HD), addressed as set forth below:

PATRICK K. WONG, ESQ. (M)
Corporation Counsel
BRIAN A. BILBERRY, ESQ.
RICHARD B. ROST, ESQ.
Deputies Corporation Counsel
County of Maui
200 South High Street
Wailuku, Hawai'i 96793

Attorneys for Defendants
COUNTY OF MAUI and
MAUI COUNTY COUNCIL

DATED: Honolulu, Hawai'i, AUG 2 7 2014.



ROBERT G. KLEIN
JORDON J. KIMURA
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Attorneys for Plaintiffs
OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION; OCEAN RESORT VILLAS NORTH VACATION OWNERS ASSOCIATION; VIC H. HENRY; and PETER A. BAGATELOS