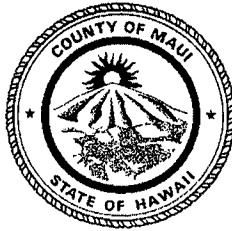


ALAN M. ARAKAWA
Mayor



PATRICK K. WONG
Corporation Counsel

EDWARD S. KUSHI
First Deputy

LYDIA A. TODA
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DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
200 SOUTH HIGH STREET, 3RD FLOOR
WAILUKU, MAUI, HAWAII 96793
EMAIL: CORPCOUN@MAUICOUNTY.GOV
TELEPHONE: (808) 270-7740
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October 25, 2018

MEMO TO: Donald S. Guzman, Chair
Parks, Recreation, Energy and Legal Affairs Committee

FROM: Brian A. Bilberry
Deputy Corporation Counsel

SUBJECT: Litigation Matter – Case Status (PRL 149))
County of Maui v. Kehalani Holdings Company, et al.
Civil No.: 11-1-0311(3)

RECEIVED
2018 OCT 25 PM 3:24
OFFICE OF THE
COUNTY COUNCIL

This memorandum is sent to advise the Chair that our Department has previously resolved the above-referenced case.

A stipulated judgment was signed and filed with the court. *See*, attached. The period for Kehalani Holdings Company to file an appeal has expired, and the case is therefore concluded. Unfortunately, Kehalani Holdings Company is a defunct entity, with no assets. Settlement authority is no longer needed for this matter.

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

Attachment

FILED

DEPARTMENT OF THE CORPORATION COUNSEL 205

2018 MAR 23 AM 9: 21

PATRICK K. WONG 5878
Corporation Counsel
BRIAN A. BILBERRY 7260
Deputy Corporation Counsel
County of Maui
200 S. High Street
Wailuku, Maui, Hawaii 96793
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C. VOG KUDLER, CLERK
SECOND CIRCUIT COURT
STATE OF HAWAII

Attorneys for Plaintiff
COUNTY OF MAUI

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT
STATE OF HAWAII

COUNTY OF MAUI,
Plaintiff,

vs.

KEHALANI HOLDINGS COMPANY, INC.;
(fka Hawaii Land and Farming Company, Inc.)
et al.,

Defendants.

RCFC PIIHANA, LLC,

Third-Party Plaintiff,

vs.

ABRAHAM AKI; et al.,

Third-Party Defendants.

CIVIL NO. 11-1-0311(3)
(Other Civil Action)

STIPULATION FOR ENTRY OF FINAL
JUDGMENT; ORDER; FINAL JUDGMENT

Honorable Joseph E. Cardoza

Trial Date: July 23, 2018

STIPULATION FOR ENTRY OF FINAL JUDGMENT

Plaintiff COUNTY OF MAUI ("County") and Defendant KEHALANI HOLDINGS COMPANY, INC. ("Kehalani"), by and through their respective counsel, hereby stipulate and agree that the Final Judgment attached hereto is consistent with fines and penalties accrued pursuant to the following Notices of Violation ("NOV") identified in this lawsuit:

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

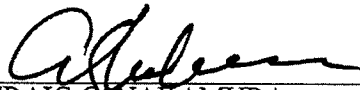
Clerk, Second Circuit Court

- i. NOV #V2008-0036
- ii. NOV #V2008-0037
- iii. NOV #2007/0003

Accordingly, the parties stipulate and agree that the Final Judgment attached hereto should be entered as the Final Judgment of the Circuit Court in this action.

All remaining parties to this action have signed this Stipulation for Entry of Final Judgment. Each party shall be responsible for its own attorneys' fees and costs.

DATED: Wailuku, Maui, Hawaii, MAR 20 2018


CRAIG G. NAKAMURA
CATHERINE L. M. HALL

Attorneys for Defendant KEHALANI HOLDINGS COMPANY, INC.

DATED: Wailuku, Maui, Hawaii, MAR 20 2018

PATRICK K. WONG
Corporation Counsel

By 
BRIAN A. BILBERRY
Deputy Corporation Counsel

Attorneys for Plaintiff
COUNTY OF MAUI

APPROVED AND SO ORDERED:

/s/ JOSEPH E. CARDOZA (SEAL)
JUDGE OF THE ABOVE-ENTITLED COURT

FILED

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT 2018 MAR 23 AM 9:21

STATE OF HAWAII

COUNTY OF MAUI,

Plaintiff,

vs.

KEHALANI HOLDINGS COMPANY, INC.;
(fka Hawaii Land and Farming Company, Inc.)
et al.,

Defendants.

RCFC PIIHANA, LLC,

Third-Party Plaintiff,

vs.

ABRAHAM AKI; et al.,

Third-Party Defendants.

CIVIL NO. 11-1-0311(3)
(Other Civil Action)

C. von KUGLER, CLERK
SECOND CIRCUIT COURT
STATE OF HAWAII

FINAL JUDGMENT; EXHIBITS "1"-"3"

Honorable Joseph E. Cardoza

Trial Date: July 23, 2018

FINAL JUDGMENT

Pursuant to the stipulation by the parties:

FINAL JUDGMENT IS HEREBY ENTERED in favor of Plaintiff and against Defendant Kehalani with respect to all Counts in the Complaint, as follows:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. This court has jurisdiction over this matter and the parties pursuant to Maui County Code ("MCC") Chapter 19.530 and venue is proper herein.
2. Plaintiff's Complaint states claims against Defendant Kehalani upon which relief may be granted under the 1997 Uniform Building Code, as Amended, § 106.1; Maui County Code ("MCC"), § 16.08.170 ("Sanitary Maintenance"); MCC Chapter 19.30A, § 19.30A.050

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

Clerk, Second Circuit Court

("Permitted Uses") for prohibited nonagricultural activity in the Agricultural District; MCC Chapter 19.530 ("Enforcement"); and MCC § 19.530.020(D);

3. The Court hereby finds that the fines and penalties accrued pursuant to Notices of Violations NOV #V2008-0036 [Exhibit 1, attached], NOV #V2008-0037 [Exhibit 2, attached], and NOV #2007/0003 [Exhibit 3, attached], as follows:

i. BUILDING CODE VIOLATION (NOV #V2008-0036)

<u>Dates</u>	<u>Duration</u>	<u>Rate</u>	<u>Total</u>
8/22/2008			\$500.00
9/22/2008-10/21/2008	30 days	\$100.00 per day	\$3,000.00
10/22/2008-11/21/2008	30 days	\$200.00 per day	\$6,000.00
11/22/2008-12/21/2008	30 days	\$400.00 per day	\$12,000.00
12/22/2008-1/21/2009	30 days	\$800.00 per day	\$24,000.00
1/22/2009-12/16/2013	1789 days	\$1,000.00 per day	\$1,789,000.00
		Subtotal	\$1,834,500.00

ii. HOUSING CODE VIOLATION (NOV #V2008-0037)

<u>Dates</u>	<u>Duration</u>	<u>Rate</u>	<u>Total</u>
8/22/2008			\$200.00
9/22/2008-10/21/2008	30 days	\$100.00 per day	\$3,000.00
10/22/2008-11/21/2008	30 days	\$200.00 per day	\$6,000.00
11/22/2008-12/21/2008	30 days	\$400.00 per day	\$12,000.00
12/22/2008-1/21/2009	30 days	\$800.00 per day	\$24,000.00
1/22/2009-12/16/2013	1789 days	\$1,000.00 per day	\$1,789,000.00
		Subtotal	\$1,834,200.00

iii. ZONING CODE VIOLATION (NOV #2007/0003)

<u>Dates</u>	<u>Duration</u>	<u>Rate</u>	<u>Total</u>
9/18/2007			\$1,000.00
10/5/2007-12/16/2013	2261 days	\$1,000.00 per day	\$226,100.00
		Subtotal	\$226,200.00

4. Unless otherwise specified herein, this judgment shall take effect on filing with the court.

5. This Final Judgment is intended to resolve all claims and issues in this action. If there is any claim or issue not decided by this Final Judgment, then such claim or issue is dismissed with prejudice.


APPROVED AND SO ORDERED:

DATED: Wailuku, Maui, Hawaii, MAR 20 2018.

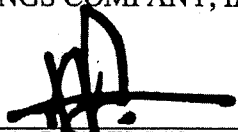
/s/ JOSEPH E. CARDOZA (SEAL)

JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AND SO STIPULATED:



CRAIG G. NAKAMURA
CATHERINE L. M. HALL
Attorneys for Defendant KEHALANI
HOLDINGS COMPANY, INC.



BRIAN A. BELBERRY
Deputy Corporation Counsel
Attorney of Plaintiff COUNTY OF MAUI