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DEPARTMENT OF THE CORPORATION COUNSEL

COUNTY OF MAUI

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January 20, 2026

VIA EMAIL only at [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us)

Alice L. Lee, Council Chair  
and Members of the Council  
County of Maui

SUBJECT: Litigation Matter – Authorization for Special Counsel  
Todd P. Lynam, et al v. County of Maui, et al.  
Civil No. 2CCV-25-0003780(4)

Dear Chair Lee and Council Members:

Please find attached separately a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF MCCORRISTON MILLER MUKAI MACKINNON LLP AS SPECIAL COUNSEL IN TODD P. LYNAM, ET AL. VS. COUNTY OF MAUI, ET AL., CIVIL CASE 2CCV-25-0003780, AND ANY FUTURE LITIGATIONS CHALLENGING ORDINANCE 5909 (2025)." The purpose of the proposed resolution is to hire special counsel to assist the Corporation Counsel as co-counsel with the Class Action Complaint for Declaratory and Injunctive Relief in Todd P. Lynam, et al. vs. County of Maui, et al., Civil Case 2CCV-25-0003780. Proposed counsel has specialized expertise in class action and complex litigation cases, and have represented municipalities in challenges to land use regulation.

May I request that the proposed resolution be scheduled for immediate referral to the Governance, Ethics, and Transparency Committee for expedient review. Also attached herewith is the Class Action Complaint for Declaratory and Injunctive Relief filed in this matter.

An executive session may be necessary at the members discretion to discuss questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and/or the Committee.

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

Alice L. Lee, Council Chair  
And Members of the Council  
January 20, 2026  
Page | 2

Sincerely,

/s/ Kristin K. Tarnstrom  
Kristin K. Tarnstrom  
Deputy Corporation Counsel

cc: Kate Blystone, Director, Department of Planning

Lit 9142

Attachment:

Resolution Authorizing the Employment of McCorriston Miller Mukai MacKinnon  
LLP as Special Counsel, et seq.

Todd P. Lynam, et al. vs. County of Maui, et al., Civil Case 2CCV-25-0003780,  
Class Action Complaint for Declaratory and Injunctive Relief

PORTER KIAKONA KOPPER, LLP

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Attorneys for Class Plaintiffs  
TODD P. LYNAM; KAREN K. SMART;  
DEBORAH N. GOLLNICK; MAUI ISLE PROPERTIES, LLC,  
A WASHINGTON LIMITED LIABILITY COMPANY; and  
MAKAI OLVINE, LLC, A DOMESTIC LIMITED LIABILITY COMPANY

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

TODD P. LYNAM; KAREN K. SMART;  
DEBORAH N. GOLLNICK; MAUI ISLE  
PROPERTIES, LLC, A WASHINGTON  
LIMITED LIABILITY COMPANY; and  
MAKAI OLVINE, LLC, A DOMESTIC  
LIMITED LIABILITY COMPANY,

Class Plaintiffs,

vs.

THE COUNTY OF MAUI; DEPARTMENT  
OF PLANNING OF THE COUNTY OF  
MAUI; KATE BLYSTONE IN HER  
OFFICIAL CAPACITY AS DIRECTOR OF  
THE DEPARTMENT OF PLANNING; JOHN  
DOES 1-10; JANE DOES 1-10; DOE

CIVIL NO. \_\_\_\_\_  
(CIVIL COMPLAINT)

**CLASS ACTION COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF; EXHIBITS "1" AND "2";  
DEMAND FOR JURY TRIAL;  
SUMMONS**

*(Caption continued on next page)*

PARTNERSHIPS 1-10; DOE  
CORPORATIONS 1-10; DOE  
GOVERNMENTAL AGENCIES 1-10; and  
DOE ENTITIES 1-10,

Defendants.

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**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Class Plaintiffs Todd P. Lynam, Karen K. Smart, Deborah N. Gollnick, Maui Isle Properties, LLC, a Washington limited liability company, and Makai Olvine, LLC, a domestic limited liability company, (collectively, “Class Plaintiffs”) on behalf of themselves and all similarly situated, by and through their attorneys, Porter Kiakona Kopper, LLP, and the Law Office of Kyle Smith, allege the following against Defendants County of Maui, et. al. (collectively, “Maui County”).

**JURISDICTION**

1. This Court possesses jurisdiction pursuant to Hawaii Revised Statutes (“HRS”) § 603-21.5(a)(3), and under HRS Chapter 632, as an actual controversy exists between Class Plaintiffs and Maui County.

2. Venue is proper before this Court under HRS § 603-36(5) as the claims for relief arise within this Circuit against the Defendants, all relevant events that give rise to Class Plaintiffs’ claims occurred in this judicial district, all property that is the subject of this action may be found within this judicial district; and all conduct, acts, or omissions alleged occurred in the County of Maui, State of Hawaii.

**PARTIES**

3. Class Plaintiff Todd P. Lynam is an owner of Apartment No. A-306 and Apartment No. B-114 at that certain project known as Pacific Shores, located at 2219 S. Kihei Rd., Kihei, HI.

4. Class Plaintiff Karen K. Smart is the property owner of Apartment No. 102 at that certain project known as Kihei Bay Surf, located at 715 S. Kihei Rd., Kihei, HI, and she is also the

owner of Apartment No. A-114 at that certain project known as Pacific Shores, located at 2219 S. Kihei Rd., Kihei, HI.

5. Class Plaintiff Deborah N. Gollnick is an owner of Apartment No. 310 at that certain project known as Maalaea Banyans, located at 190 Hauoli Street, Wailuku, HI.

6. Class Plaintiff Maui Isle Properties, LLC, a Washington limited liability company, by and through its Managing Member, Suzanne Marston, is the owner of Apartment No. 301 at that certain project known as Hale Kai O Kihei, located at 1310 Uluniu Rd., #310, Kihei, HI.

7. Class Plaintiff Makai Olive, LLC, a domestic limited liability company, by and through its Member Manager, John Kelly, is the owner of Apartment No. 202E at that certain project known as Kihei Garden Estates located at 1299 Uluniu Rd., #202E, Kihei, HI.

8. Defendant the COUNTY OF MAUI is a municipal corporation and is legally responsible for the acts and omissions of its departments, officials, and boards.

9. Defendant the DEPARTMENT OF PLANNING OF THE COUNTY OF MAUI (“Department of Planning”) is the agency charged with administration and enforcement, among other things, of ordinances and regulations governing zoning, land permitting, and development.

10. Defendant KATE BLYSTONE is the Director of the Department of Planning, and, in performing her duties, is and was, at all relevant times, acting under the color of the law. The Director is being sued only in her official capacity.

11. Defendants JOHN DOES 1-10, JANE DOES 1-10, DOE PARTNERSHIPS 1-10, DOE CORPORATIONS 1-10, DOE GOVERNMENTAL AGENCIES 1-10, and DOE ENTITIES 1-10 (Collectively, “Doe Defendants”) as persons, governments, entities, agents or estates which are in some manner presently unknown to Class Plaintiffs and who are liable for the claims for relief set forth in this Complaint. Class Plaintiffs are presently unaware of the true names and capacities of the Doe Defendants, but will amend the Complaint as soon as they are ascertained.

## STATEMENT OF FACTS

12. For nearly 45 years, certain condominiums within Apartment District zoning in the County of Maui have legally engaged in short-term rentals/transient vacation rentals (“STRs”).

13. Indeed, this preexisting lawful use is recognized by the published list of condominium projects maintained by Maui County, known as the “Minatoya List,” which includes properties of Class Plaintiffs and other similarly situated owners (“Minatoya Owners”) historically permitted to engage in STRs.

14. In December 2025, however, Maui County stripped the vested property right of Minatoya Owners to engage in STRs by enactment of Bill 9 CD1, FD1 (2025) (“Bill 9”), which purports to prohibit Minatoya Owners’ use of their properties as STRs over a three (3) or five (5) year period.

15. Such action, however, contradicts the Maui County’s long-standing recognition of the legally vested property right to engage in STRs by Minatoya Owners. For example, when Maui County amended the Maui County Code by passage of Ordinance 1797 (1989) to require Apartment District properties to be occupied on a long-term residential basis, the ordinance recognized numerous exceptions to the new zoning law for STRs. As confirmed by Corporation Counsel Opinion 89-7, issued by Maui Deputy Counsel Haunani Lemn that same year, Ordinance 1797 (1989) did not delete existing STRs as a permitted and vested use within Apartment District zoning.

16. Two years later, Ordinance 1989 (1991)<sup>1</sup> similarly amended the Maui County Code to ban timeshares and transient vacation rentals in the Apartment District. Once again, however, the ordinance provided exceptions for certain properties to protect owners’ vested rights.

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<sup>1</sup> Effective Date March 4, 1991.

17. On July 27, 2001, Maui County Mayor James H. Apana, Jr, requested a legal opinion from Corporation Counsel on the lawful application of Ordinances 1797 (1989) to clarify which units within Apartment District zoning were allowed to operate as STRs. In response, Deputy Corporation Counsel Richard K. Minatoya issued a Corporation Counsel Opinion on July 30, 2001, colloquially known as the “Minatoya Opinion.”<sup>2</sup>

18. As previously recognized by Lemn’s 89-7 Opinion, the Minatoya Opinion reaffirmed that Ordinance 1797 (1989) did not ban transient vacation rentals within the Apartment District. Importantly, the Minatoya Opinion further listed properties meeting the various exceptions, which has come to be known as the “Minatoya List.”<sup>3</sup>

19. Thereafter, Maui County has maintained the Minatoya List to identify properties possessing the legally vested right to operate STRs on Maui Island. In fact, reference to the Minatoya List is codified within the Maui County Code §19.12.020 wherein Maui County maintains the list as a resource for the public to identify properties possessing the legally vested right to engage in STRs.<sup>4</sup>

20. Maui County’s enactment of Bill 9, however; attempts to take Minatoya Owners’ constitutionally protected and vested property right to engage in STRs within an unreasonable three (3) or five (5) year period of time without compensation for harm that has and will continue to occur to Minatoya Owners.

#### **CLASS ALLEGATIONS**

21. A class action is alleged pursuant to Hawaii Rules of Civil Procedure (“HRCP”) Rule 23.

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<sup>2</sup> See Minatoya Opinion, attached hereto as **Exhibit "1"**.

<sup>3</sup> See Minatoya List, attached hereto as **Exhibit "2"**.

<sup>4</sup> See, e.g. Maui County Code, §19.12.020.

22. Class Plaintiffs seek to represent Minatoya List owners who will lose their ability to engage in short-term rentals under Bill 9 (“Minatoya Owners”).

23. The number of individuals within the Class is so numerous that joinder of all Minatoya Owners would be impracticable.

24. The Class involves questions of law and fact common to all individual members of the Class, including whether class members have a vested property right to engage in short-term rentals, and whether deprivation of Minatoya Owners’ vested property right to engage in STRs constitutes a regulatory taking by the County of Maui.

25. The claims and relief sought by the Class are typical of the claims and relief that could be sought by individual members of the class. For example, all members seek declaratory and injunctive relief to continue their preexisting lawful use of units as transient vacation rentals or short-term rentals, and all members will suffer similar irreparable harm as a result of Maui County’s actions, which includes loss of valuable property rights and loss of property values and rights for class members.

26. Class Plaintiffs will adequately and fairly represent the interests of individual members of the proposed Class in that they are similarly situated individuals who have suffered harm because Maui County failed to recognize their vested property rights.

27. A Class is further warranted because: a) prosecution of separate actions by individual members of the Class will create a risk of inconsistent and varying adjudications with respect to individual members of the Class, which would establish incompatible standards of conduct for the parties; and b) adjudication of the issues presented by Class would be dispositive of the interests of other putative class members; and c) common questions of law and fact predominate over other questions that might apply to individual members to the extent that a class action would be the superior format to manage the shared questions of law and fact that apply to the Class.

28. Accordingly, a class action under HRCP Rule 23 is in the best interests of judicial economy.

**FIRST CLAIM FOR RELIEF**  
**(DECLARATORY RELIEF)**

29. The foregoing allegations are repeated and incorporated by reference herein.

30. A justiciable controversy exists between Minatoya Owners and Maui County that requires this Court's attention and intervention.

31. Hawaii counties derive their power to restrict land uses from the State Legislature, *Save Sunset Beach v. City & County of Honolulu*, 78 P.3d 1, 15–17 (Haw. 2003) (“counties are authorized to zone only according to the dictates of HRS § 46-4[.]”), zoning ordinances that conflict with HRS § 46-4 are invalid.

32. “Under the United States and Hawaii Constitutions, **preexisting lawful uses of property are generally considered to be vested rights that zoning ordinances may not abrogate.**”<sup>5</sup>

33. As HRS §46-4 further confirms, “[no] ordinance enacted pursuant to this section shall prohibit the continued lawful use of any building or premises for any ... purpose for which the building or premises is used at the time this section or ordinance takes effect[.]”<sup>6</sup>

34. Maui County has long recognized that Minatoya Owners have a vested property right to engage in transient vacation rentals or short-term rentals based upon their ongoing and preexisting lawful use. This vested right adds value to the properties that the real estate market and Minatoya Owners have relied upon for decades, and Bill 9's attempt to take vested rights from Minatoya Owners over a three (3) or five (5) year period is unreasonable.

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<sup>5</sup> *Robert D. Ferris Tr. V. Planning Comm'n of Cty. Of Kauai*, 138 Haw. 307, 312, 378 P.3d 1023, 1028 (Ct. App. 2016) (Emphasis added).

<sup>6</sup> HAW. REV. STAT. §46-4(a) (Emphasis added).

35. Class Plaintiffs are therefore entitled to a declaration that: a) Minatoya Owners have a vested property right to engage in short-term rentals; b) Maui County has interfered with Minatoya Owners' vested rights to engage in short-term rentals; c) Maui County's three-year or five-year phase out period is unreasonable; and d) Maui County should be estopped from interfering with Minatoya Owners' vested property right to engage in short-term rentals.

36. Due to Maui County's wrongful conduct, Minatoya Owners have been required to retain legal counsel to prosecute this action and are therefore entitled to recover their reasonable attorneys' fees and costs.

**SECOND CLAIM FOR RELIEF**  
**(INJUNCTIVE RELIEF)**

37. The foregoing allegations are repeated and incorporated by reference herein.

38. Minatoya Owners are entitled to preliminary and permanent injunctive relief, enjoining further arbitrary and capricious actions and unfair and unconstitutional takings of vested property rights by the County of Maui. Further, the status quo should be maintained during the pendency of the action to allow the Minatoya Owners to continue usage of their vested property rights while Bill 9 is challenged.

39. Minatoya Owners have no plain, speedy, or adequate remedy at law. Unless the County of Maui is enjoined, Minatoya Owners will continue to suffer irreparable harm, including violation and deprivation of their constitutional rights, loss of business income, and injury to business goodwill and other business relationships. Monetary damages are inadequate to fully compensate Minatoya Owners because of the difficulty in quantifying lost opportunity costs and harm to business goodwill and other relationships.

40. Minatoya Owners have a reasonable probability of success on the merits of their claims, and the public interest and relative hardships all weigh in favor of granting injunctive relief.

41. A preliminary and permanent injunction should therefore be issued, enjoining Maui County from further arbitrary and capricious actions as alleged herein, including the unreasonable and unconstitutional taking of the Minatoya Owners' vested property rights.

42. The public interest also favors an injunction due to the public interest in protecting vested property rights for all persons.

43. Due to Maui County's wrongful conduct, Minatoya Owners have been required to retain legal counsel to prosecute this action. They are therefore entitled to recover their reasonable attorneys' fees and costs.

**THIRD CLAIM FOR RELIEF**  
**(INVERSE CONDEMNATION – REGULATORY TAKING)**

44. The foregoing allegations are repeated and incorporated by reference herein.

45. The Hawaii Constitution provides that “[p]rivate property shall not be taken or damaged for public use without just compensation.” Haw. Const. art. 1, § 20. This provision is self-executing.

46. The County of Maui has long recognized that Minatoya Owners possess a vested property right to engage in short-term rentals. This vested right adds value to their properties, and Minatoya Owners rely upon this vested right when purchasing, financing, managing, renting, and selling their properties.

47. Due to the passage of Bill 9, Minatoya Owners have experienced a loss in property value, loss of future ability to rent their units, and other harm.

48. Maui County's taking of Minatoya Owners' vested property rights will have a permanent detrimental impact upon the value of condominium units and loss of private property rights, even with the three (3) or five (5) year phase-out period. Thus, Maui County's denial of

Minatoya Owners' vested property rights and investment-backed expectations effectuates a regulatory taking under Hawaii law.

49. Minatoya Owners additionally allege that Maui County's conduct is wrongful, oppressive, and unreasonable, and rises to the level of an unconstitutional *per se* regulatory taking.

50. Minatoya Owners are therefore entitled to just compensation under the Hawaii Constitution in an amount to be proven at trial, plus prejudgment interest.

51. Due to Maui County's wrongful conduct, Minatoya Owners have been required to retain legal counsel to prosecute this action. They are therefore entitled to recover their reasonable attorneys' fees and costs.

**FOURTH CLAIM FOR RELIEF**  
**(ZONING ESTOPPEL)**

52. The foregoing allegations are repeated and incorporated by reference herein.

53. Minatoya Owners possess the vested right to use their properties as short-term rentals, which rights cannot be interfered with by Defendants without just compensation.

54. Under the doctrine of zoning estoppel, Maui County cannot take actions contrary to the continued use of properties as short-term rentals by Minatoya Owners, and Maui County is estopped from interfering with the use and advertisement of properties as such.

55. Due to Maui County's wrongful conduct, Minatoya Owners have been required to retain legal counsel to prosecute this action. They are therefore entitled to recover their reasonable attorneys' fees and costs.

**FIFTH CLAIM FOR RELIEF**  
**(CONTRACTS CLAUSE)**

56. The foregoing allegations are repeated and incorporated by reference herein.

57. The United States Constitution provides that "[n]o state shall ... pass any ... Law impairing the Obligation of Contracts." U.S. Const., Art. I, § 10, cl. 1.

58. To determine when a law affecting pre-existing contracts violates the Contracts Clause, the Supreme Court applies a two-step test.

59. The threshold issue is whether the state law has “operated as a substantial impairment of a contractual relationship.” The Court considers the extent to which the law undermines the contractual bargain, interferes with a party’s reasonable expectations, and prevents the party from safeguarding or reinstating his or her rights.

60. If such factors show a substantial impairment, the inquiry turns to the means and ends of the legislation. The Court considers whether the state law is drawn in an “appropriate” and “reasonable” way to advance a “significant and legitimate public purpose.” *Sveen v. Melin*, 138 s. Ct. 1815, 1821-1822 (2018) (citations omitted).

61. Here, Bill 9 has substantially impaired the contractual relationship and expectations of Minatoya Owners with lenders and renters within the real estate market. Further, taking private vested property rights to create affordable housing on Maui is neither an appropriate nor reasonable approach to advance the stated public purpose.

62. Due to Maui County’s wrongful conduct, Minatoya Owners have been required to retain legal counsel to prosecute this action. They are therefore entitled to recover their reasonable attorneys’ fees and costs.

### **PRAYER FOR RELIEF**

WHEREFORE, Minatoya Owners pray for judgment in their favor and against Maui County as follows:

1. For judgment be entered in favor of Minatoya Owners, and against Defendants;
2. For appropriate declaratory relief regarding the unlawful and unconstitutional acts of Maui County and the right of Minatoya Owners to provide short-term vacation rentals;
3. For preliminary and permanent injunctive relief enjoining Maui County from issuing notices of violation to Minatoya Owners or taking any other

enforcement actions against them for engaging in short-term vacation rentals in violation of their vested property rights;

4. For payment of full and just compensation as provided by law for the taking of all vested property rights belonging to Minatoya Owners, including any and all pre-condemnation damages that may be due.
5. For appropriate equitable relief against Maui County, including the enjoining and permanently restraining any enforcement actions, and direction to take such affirmative action as necessary to ensure that the effects of the unconstitutional and unlawful patterns and practices are eliminated and do not continue to affect Minatoya Owners
6. For payment of attorneys' fees and costs; prejudgment interest; and for all other relief as this court may deem appropriate, equitable, and just.

DATED: Honolulu, Hawaii, December 22, 2025.

*/s/ Christian P. Porter*

CHRISTIAN P. PORTER

PATRICK KYLE SMITH

H. MAXWELL KOPPER

FRANCIS CHANDLER

Attorneys for Class Plaintiffs

DEPARTMENT OF THE CORPORATION COUNSEL

COUNTY OF MAUI  
200 SOUTH HIGH STREET  
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July 30, 2001

MEMO TO: The Honorable James H. Apana, Jr.  
Mayor, County of Maui

FROM: Richard K. Minatoya  
Deputy Corporation Counsel

SUBJECT: LAWFUL APPLICATION OF ORDINANCE NO. 1797 (1989)

This is in response to your request dated July 27, 2001 for a legal opinion on which apartment units are excluded from the prohibition on transient vacation rentals in the Apartment District.

**BRIEF ANSWER:**

It is our department's opinion that exemptions to this restriction are: (1) projects with building permits, special management area use permits, or planned development approval lawfully issued and valid on April 20, 1989; or (2) apartment units that were operating as transient vacation rentals on or before March 4, 1991.

**ANALYSIS:**

Ordinance No. 1797 (1989) attempted to prohibit transient vacation rentals in the Apartment District. However, we continue to stand by Corporation Counsel Opinion 89-7, in which former-Deputy Corporation Counsel Haunani Lemn opined that Ordinance No. 1797 (1989) did not effectively delete transient vacation rentals as permitted uses in the Apartment District.

In any event, Ordinance No. 1797 (1989) also specifically excluded "building permits, special management area use permits, or planned development approval which were lawfully issued and valid on" April 20, 1989. Thus, projects which such permits or approvals are exempt from the prohibition of transient vacation rentals in the Apartment District (even if Ordinance No. 1797 (1989) was effective to impose such a prohibition).

We believe that Ordinance No. 1989 (1991), effective March 4, 1991, completed the task of deleting transient vacation rentals as permitted uses in the Apartment District. Thus, March 4, 1991 is the effective date for excluding transient vacation rentals in the Apartment District. An exclusion to Ordinance No. 1989 (1991) is apartment units operating as a transient vacation rental on or before March 4, 1991.

Accordingly, to be exempt from the short-term vacation rental prohibition in the Apartment District, an apartment unit must have been operating as a transient vacation rental on or before March 4, 1991, OR have had a lawfully issued and valid building permit, special management area use permit, or planned development approval on April 20, 1989.

Please contact me if you have any other questions regarding these matters.

**APPROVED:**

JAMES B. TAKAYESU  
Corporation Council

**EXHIBIT "1"**

Apartment District Properties Allowed to be Used for Short-Term Occupancy

PROJECT PROPERTY	MASTER TMK	ADDRESS	YR BLT	COUNTY ZONING	COMMUNITY PLAN	UNIT NUMBERS
HANA KAI-MAUI	140050400000	4865 Uakea Rd	1974	A1	MF	20
WAILEA EKAHI II	210080600000	3300 Wailea Alanui Dr	1976	A1	MF/PUD	92
WAILEA EKAHI I	210080640000	3300 Wailea Alanui Dr	1976	A1/BR/OS/PUD	MF/OS	100
WAILEA EKAHI III	210080650000	3300 Wailea Alanui Dr	1976	A1/H1/OS/PUD	MF/OS	104
WAILEA EKOLU	210080770000	10 Wailea Ekolu Pl	1979	A1/OS-GC/PUD	MF	148
PALMS AT WAILEA I	210080820000	3200 Wailea Alanui Dr	1990	A1	MF/OS/PD	152
GRND CHAMP VILLAS	210081040000	155 Wailea Ike Pl	1989	A2	MF/OS/PD	188
KUAU PLAZA	260120500000	777 Hana Hwy	1973	A2	MF	59
MAKANI A KAI	380140010000	300 Hauoli St	1974	A1	MF	24
HONO KAI	380140020000	280 Hauoli St	1972	A2/A1	MF	46
KANAI A NALU	380140040000	250 Hauoli St	1977	A2	MF	80
MAALAEA BANYANS	380140110000	190 Hauoli St	1987	A2	MF	78
ISLAND SANDS	380140150000	150 Hauoli St	1975	A2	MF	83
LAULOA MAALAEA	380140160000	100 Hauoli St	1979	A2	MF	47
MAALAEA KAI	380140210000	70 Hauoli St	1974	A2	MF	79
MILOWAI-MAALAEA	380140220000	50 Hauoli St	1977	A2/M1	LI	43
MAUI SUNSET	390010020000	1032 S Kihei Rd	1974	A2	MF	225
MAUI SCHOONER	390010040000	980 S Kihei Rd	1980	A2	MF	58
LUANA KAI	390010060000	940 S Kihei Rd	1979	A2	MF	113
KAUHALE MAKAI	390010750000	938 S Kihei Rd	1976	A2	MF	169
KIHEI BAY SURF	390011070000	715 S Kihei Rd	1980	A1	MF	118
LEINAALA	390011100000	998 S Kihei Rd	1975	A2	MF	24
KIHEI RESORT	390011360000	777 S Kihei Rd	1981	A1	MF	64
KIHEI BAY VISTA	390011430000	679 S Kihei Rd	1989	A1	MF	60
KAMAOLE SANDS	390040040000	2695 S Kihei Rd	1983	A2	MF	440
MAUI HILL	390040810000	2881 S Kihei Rd	1981	A1	MF	140
MAUI KAMAOLE III	390040820000	2777 S Kihei Rd	1994	A1	MF	240
HALE KAMAOLE	390040840000	2737 S Kihei Rd	1974	A1/A2	MF	188
HALEAKALA SHORES	390040970000	2619 S Kihei Rd	1974	A2	MF	76
MAUI PARKSHORE	390040980000	2653 S Kihei Rd	1974	A2	MF	64
MAUI KAMAOLE	390041430000	2777 S Kihei Rd	1988	A1	MF	28
MAUI KAMAOLE II	390041440000	2777 S Kihei Rd	1989	A1	MF	48
LIHIKAI APTS	390050170000	2173 Iliili Rd	1963	A1	MF	8
KAMAOLE ONE	390050230000	2230 S Kihei Rd	1973	A1	MF	12
PUNAHOA BEACH APTS	390050380000	2142 Iliili Rd	1970	A1	MF	15

Apartment District Properties Allowed to be Used for Short-Term Occupancy

PROJECT PROPERTY	MASTER TMK	ADDRESS	YR BLT	COUNTY ZONING	COMMUNITY PLAN	UNIT NUMBERS
MOANA VILLA	390070250000	1158 Uluniu Rd	1973	A1	MF	1
HALE KAI O'KIHEI	390080030000	1310 Uluniu Rd	1969	A1	MF	59
KIHEI GARDEN ESTATES	390080110000	1299 Uluniu Rd	1979	A1	MF	84
WAIHOLI BEACH HALE	390090290000	49 W Lipoa St	1979	A1/PU	MF	52
KALAMA GARDENS	390160160000	36 Walaka St	1977	A2	MF	6
KALAMA TERRACE	390160270000	35 Walaka St	1972	A2	MF	61
SHORES OF MAUI	390170030000	2075 S Kihei Rd	1975	A1	MF	50
PACIFIC SHORES	390180020000	2219 S Kihei Rd	1979	A2	MF	72
MAUI VISTA	390180030000	2191 S Kihei Rd	1980	A2	MF	280
KAPALUA BAY VILLAS	420010240000	500 Bay Dr	1977	A2	MF	141
KAPALUA GOLF VILLAS	420010280000	500 Kapalua Dr	1979	A2/AG/OS/GC	MF	186
KAPALUA IRONWOODS	420010300000	Ironwood Ln	1979	A2/BR/OS/Interim	MF/OS/P/QP	39
THE RIDGE	420010320000	100 Ridge Road	1979	A2/PK-4	MF	161
KAHANA REEF	430050090000	4471 Lower Honoapiilani Rd	1974	A2	MF	88
KAHANA OUTRIGGER	430050200000	4521 Lower Honoapiilani Rd	1981	A1	MF	8
KAHANA OUTRIGGER	430050210000	4521 Lower Honoapiilani Rd	1981	A1	MF	4
KAHANA VILLAGE	430050290000	4531 Lower Honoapiilani Rd	1978	A1	MF/OS	42
KAHANA OUTRIGGER	430050310000	4521 Lower Honoapiilani Rd	1981	A1	MF	4
NOHONANI	430060070000	3723 Lower Honoapiilani Rd	1974	A2	MF	28
MAKANI SANDS	430060120000	3765 Lower Honoapiilani Rd	1974	A2	MF	30
KALEIALOHA	430060130000	3785 Lower Honoapiilani Rd	1973	A2	MF	67
LOKELANI	430060160000	3833 Lower Honoapiilani Rd	1971	A2	MF/OS	36
HALE MAHINA BEACH	430060410000	3875 Lower Honoapiilani Rd	1981	A2	MF	53
HALE ONO LOA	430060440000	3823 Lower Honoapiilani Rd	1969	A2	MF	67
PIKAKE	430060630000	3701 Lower Honoapiilani Rd	1966	A2	MF	12
POLYNESIAN SHORES	430080020000	3975 Lower Honoapiilani Rd	1972	A1	MF	52
KULEANA	430080040000	3959 Lower Honoapiilani Rd	1972	A1	MF	18
KULEANA	430080050000	3959 Lower Honoapiilani Rd	1974	A1	MF/OS	100
HOYOCHI NIKKO	430080060000	3901 Lower Honoapiilani Rd	1973	A1	MF	18
NOELANI	430090020000	4095 Lower Honoapiilani Rd	1974	A2	MF	50
HONOKOWAI PALMS	440010410000	3666 Lower Honoapiilani Rd	1969	A2	MF	30
HALE KAI I	440010420000	3691 Lower Honoapiilani Rd	1967	A2	MF	40
PAKI MAUI III	440010500000	3615 Lower Honoapiilani Rd	1978	A2	MF/OS	108
PAKI MAUI I & II	440010510000	3601 Lower Honoapiilani Rd	1975	A2	MF/OS	80
MAUI SANDS I	440010520000	3559 Lower Honoapiilani Rd	1966	A2	MF	56

Apartment District Properties Allowed to be Used for Short-Term Occupancy

PROJECT PROPERTY	MASTER TMK	ADDRESS	YR BLT	COUNTY ZONING	COMMUNITY PLAN	UNIT NUMBERS
PAPAKEA	440010550000	3543 Lower Honoapiilani Rd	1977	A2/H2	MF/H2/OS2	364
MAUI SANDS II	440010710000	3559 Lower Honoapiilani Rd	1969	A2	MF	20
HALE KAAPALI	440060110000	45 Kai Ala Dr	1967	A2/H/OS	H	264
MAUI ELDORADO	440080210000	2661 Kekaa Dr	1968	A2	H	205
KAANAPALI ROYAL	440080230000	2560 Kekaa Dr	1980	A2	MF/OS	105
LAHAINA ROADS	450130270000	1403 Front St	1969	A2	MF	42
SPINNAKER	460100020000	760 Waivee St	1972	A-1	MF	56
KENANI KAI	510030130000	50 Kepuhi Pl	1983	A-1	MF	120
WAVECREST	560040550000	7142 Kamehameha V Hwy	1975	A2/Interim	MF	127

Total Apartment District Vacation Rental Units: 6919

**Legend:**

Zoning

A1 or A2: Apartment  
 AG: Agriculture  
 B2: Community Business  
 BR: Business Resort  
 H, H1 or H2: Hotel  
 HD1: Historic District 1  
 Interim: Interim  
 M1: Light Industrial  
 OS: Open Space  
 GC: Golf Course  
 PK: Park  
 PU: Public Use  
 PUD: Planned Development  
 R2 or R3: Residential

Community Plan

B: Business  
 H: Hotel  
 LI: Light  
 MF: Multi-Family  
 OS: Open Space  
 P/QP: Public/Quasi-Public  
 PD: Project District  
 PK: Park  
 SF: Single-Family

Non-Apartment District Properties Allowed to be Used for Short-Term Occupancy \*

PROJECT PROPERTY	MASTER TMK	ADDRESS	YR BLT	Reason Why Short Term Rental Allowed	COUNTY ZONING	COMMUNITY PLAN
WAILEA ELUA I	210080690000	3600 Wailea Alanui Dr	1977	Zoning	H1/OS2/PUD	MF
WAILEA ELUA II	210080700000	3600 Wailea Alanui Dr	1981	Zoning	H1/OS	MF/OS
WAILEA BEACH VILLAS	210080910000	3800 Wailea Alanui Dr	2002	Zoning	BR/H1/H2/OS	H
HOOLEI	210081190000	146 Hoolei Cir	2007	Zoning	H1/OS/PUD	H
WAILEA POINT III	210230040000	4000 Wailea Alanui Dr	1987	Zoning	H1/H2/PUD	H
WAILEA POINT II	210230050000	4000 Wailea Alanui Dr	1987	Zoning	H1/H2/PUD	H
WAILEA POINT I	210230060000	4000 Wailea Alanui Dr	1986	Zoning	H1/H2/PUD	H
SUGAR COVE	380020030000	320 Paani Pl	1976	Grandfathered	R3	SF
KIHEI AKAHI	390200010000	2531 S Kihei Rd	1977	Zoning	BR/H1/H2	H
KIHEI KAI NANI	390200030000	2495 S Kihei Rd	1970	Zoning	H2/BR	H
PUNA II	420020050000	39 Kapalua Pl	1973	Zoning	NBCID	MF/OS
KAPALUA BAY CONDO	420040280000	1 Bay Dr	2009	Zoning	BR/HM/OS/PUD	H/B/OS
HONOKEANA COVE	430020190000	5255 Lower Honoapiilani Rd	1969	Zoning	NBCID	MF
NAPILI POINT I	430020210000	5295 Lower Honoapiilani Rd	1977	Zoning	NBCID	MF/OS/PK-PARK
NAPILI POINT II	430020430000	5295 Lower Honoapiilani Rd	1978	Zoning	NBCID	MF
NAPILI BAY	430020520000	33 Hui Dr	1977	Zoning	NBCID	MF
NAPILI SUNSET	430020550000	46 Hui Dr	1974	Zoning	NBCID	MF
NAPILI SHORES	430020610000	5315 Lower Honoapiilani Rd	1972	Zoning	NBCID	MF/OS
NAPILI GARDENS	430020680000	5432 Lower Honoapiilani Rd	1993	Zoning	NBCID	MF
KAHANA SUNSET	430030150000	4909 Lower Honoapiilani Rd	1973	Grandfathered	R3	SF/OS
ALAELOA	430030170000	20 Hui Rd	1966	Ordinance	R3/PUD	SF
KULAKANE	430060110000	3741 Lower Honoapiilani Rd	1970	Zoning	B2	MF
MAHINA SURF	430090050000	4057 Lower Honoapiilani Rd	1969	Grandfathered	R3	MF
INTERNATIONAL COLONY	440060060000	2750 Kalapu Dr	1964	Grandfathered	R3	MF
KAANAPALI ALII	440080220000	50 Nohea Kai Dr	1981	Zoning	H2	H/OS
LAHAINA SHORES	460020070000	475 Front St	1974	Zoning	H2/HD1/NHLD	H/B
AINA NALU	460110080000	660 Wainee St	2005	Zoning	H-1/NHLD	H
PUAMANA	460280000000	Pualei Dr	1970	Zoning	R2/PUD	SF
NAPILI RIDGE	430160060000	120 Hui Rd F	1972	Zoning	NBCID	MF

\* This list does not include many other properties in zoning districts that permit short-term occupancy.

**Legend:**

Zoning

Community Plan

**Non-Apartment District Properties Allowed to be Used for Short-Term Occupancy \***

**A1 or A2: Apartment**  
**AG: Agriculture**  
**B2: Community Business**  
**BR: Business Resort**  
**H, H1 or H2: Hotel**  
**HD1: Historic District 1**  
**Interim: Interim**  
**M1: Light Industrial**  
**NBCID: Napili Bay Civic Improvement District**  
**NHLD: National Historic Landmark District**  
**OS: Open Space**  
**GC: Golf Course**  
**PK: Park**  
**PU: Public Use**  
**PUD: Planned Development**  
**R2 or R3: Residential**

**B: Business**  
**H: Hotel**  
**LI: Light Industrial**  
**MF: Multi-Family**  
**OS: Open Space**  
**P/QP: Public/Quasi-Public**  
**PD: Project District**  
**PK: Park**  
**SF: Single-Family**

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

TODD P. LYNAM; KAREN K. SMART;  
DEBORAH N. GOLLNICK; MAUI ISLE  
PROPERTIES, LLC, A WASHINGTON  
LIMITED LIABILITY COMPANY; and  
MAKAI OLVINE, LLC, A DOMESTIC  
LIMITED LIABILITY COMPANY,

Class Plaintiffs,

vs.

THE COUNTY OF MAUI; DEPARTMENT  
OF PLANNING OF THE COUNTY OF  
MAUI; KATE BLYSTONE IN HER  
OFFICIAL CAPACITY AS DIRECTOR OF  
THE DEPARTMENT OF PLANNING;  
JOHN DOES 1-10; JANE DOES 1-10; DOE  
PARTNERSHIPS 1-10; DOE  
CORPORATIONS 1-10; DOE  
GOVERNMENTAL AGENCIES 1-10; and  
DOE ENTITIES 1-10,

Defendants.

CIVIL NO. \_\_\_\_\_  
(CIVIL COMPLAINT)

**DEMAND FOR JURY TRIAL**

**DEMAND FOR JURY TRIAL**

Class Plaintiffs Todd P. Lynam, Karen K. Smart, Deborah N. Gollnick, Maui Isle Properties, LLC, a Washington limited liability company, and Makai Olvine, LLC, a domestic limited liability company, on behalf of themselves and all similarly situated, by and through their counsel, Porter Kiakona Kopper, LLP, and the law offices of Kyle Smith, hereby demand trial by jury on all issues and claims so triable herein.

DATED: Honolulu, Hawaii, December 22, 2025.

*/s/ Christian P. Porter*  
\_\_\_\_\_  
CHRISTIAN P. PORTER  
PATRICK KYLE SMITH  
H. MAXWELL KOPPER  
FRANCIS CHANDLER  
Attorneys for Class Plaintiffs

<b>STATE OF HAWAI'I CIRCUIT COURT OF THE SECOND CIRCUIT</b>	<b>SUMMONS TO ANSWER CIVIL COMPLAINT</b>	
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<b>CASE NUMBER</b>  <b>PLAINTIFF</b> TODD P. LYNAM; KAREN K. SMART; DEBORAH N. GOLLNICK; MAUI ISLE PROPERTIES, LLC, A WASHINGTON LIMITED LIABILITY COMPANY; and MAKAI OLVINE, LLC, A DOMESTIC LIMITED LIABILITY COMPANY	<b>PLAINTIFF'S NAME &amp; ADDRESS, TEL. NO.</b> PORTER KIAKONA KOPPER, LLP CHRISTIAN P. PORTER 3744-0 H. MAXWELL KOPPER 9601-0 FRANCIS CHANDLER 12042-0 841 Bishop Street, Suite 1500 Honolulu, Hawaii 96813 PH. (808) 539-1100  LAW OFFICE OF KYLE SMITH PATRICK KYLE SMITH 9533-0 604 Ilimano Street Kailua, Hawaii 96734 PH: (808) 799-5175
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<b>DEFENDANT(S)</b> THE COUNTY OF MAUI; DEPARTMENT OF PLANNING OF THE COUNTY OF MAUI; KATE BLYSTONE IN HER OFFICIAL CAPACITY AS DIRECTOR OF THE DEPARTMENT OF PLANNING; JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10; DOE CORPORATIONS 1-10; DOE GOVERNMENTAL AGENCIES 1-10; and DOE ENTITIES 1-10,	
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**TO THE ABOVE-NAMED DEFENDANT(S)**

You are hereby summoned and required to filed with the court and serve upon

PORTER KIAKONA KOPPER, LLP CHRISTIAN P. PORTER 3744-0 H. MAXWELL KOPPER 9601-0 FRANCIS CHANDLER 12042-0 841 Bishop Street, Suite 1500 Honolulu, Hawaii 96813 PH. (808) 539-1100	LAW OFFICE OF KYLE SMITH PATRICK KYLE SMITH 9533-0 604 Ilimano Street Kailua, Hawaii 96734 PH: (808) 799-5175
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plaintiff's attorney, whose address is stated above, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

**THIS SUMMONS SHALL NOT BE PERSONALLY DELIVERED BETWEEN 10:00 P.M. AND 6:00 A.M. ON PREMISES NOT OPEN TO THE GENERAL PUBLIC, UNLESS A JUDGE OF THE ABOVE-ENTITLED COURT PERMITS, IN WRITING ON THIS SUMMONS, PERSONAL DELIVERY DURING THOSE HOURS.**

**A FAILURE TO OBEY THIS SUMMONS MAY RESULT IN AN ENTRY OF DEFAULT AND DEFAULT JUDGMENT AGAINST THE DISOBEYING PERSON OR PARTY.**

DATE ISSUED \_\_\_\_\_

Effective Date of 03-Jul-2023 signed by: /s/M. Ferreira Clerk, 2nd Circuit, State of Hawai'i  The original document is filed in the Judiciary's electronic case management system which is accessible via eCourt Kokua at: <a href="http://www.courts.state.hi.us">http://www.courts.state.hi.us</a>	
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If you need an accommodation for a disability when participating in a court program, service, or activity, please contact the ADA Coordinator as soon as possible to allow the court time to provide an accommodation:  
 Call (808) 244-2855 FAX (808) 244-2932 OR Send an e-mail to: [adarequest@courts.hawaii.gov](mailto:adarequest@courts.hawaii.gov). The court will try to provide, but cannot guarantee, your requested auxiliary aid, service or accommodation.