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**Electronically Filed
FIRST CIRCUIT
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04-JUN-2020
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Attorneys for Defendant
HANAPOHAKU LLC

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

SAVE SHARKS COVE ALLIANCE,
MĀLAMA PŪPŪKEA-WAIMEA,
HAWAI'I'S THOUSAND FRIENDS,
LARRY McELHENY, JOHN THIELST,
CORA SANCHEZ, and SURFRIDER
FOUNDATION,

Plaintiffs,

vs.

CITY AND COUNTY OF HONOLULU;
CITY COUNCIL OF THE CITY AND
COUNTY OF HONOLULU;
DEPARTMENT OF PLANNING AND
PERMITTING OF THE CITY AND
COUNTY OF HONOLULU;
HANAPOHAKU LLC; DOES 1-10,

Defendants.

Civil No. 19-1-0057-01 (JHA)
(Declaratory and Injunctive Relief)

ORDER GRANTING IN PART AND
DENYING IN PART COUNTERCLAIM
DEFENDANTS' JOINT MOTION FOR
JUDGMENT ON THE PLEADINGS

HEARING:

Date: May 12, 2020

Time: 9:00 a.m.

Judge: The Honorable James H. Ashford

Trial Date: February 22, 2021

ORDER GRANTING IN PART AND DENYING IN PART COUNTERCLAIM
DEFENDANTS' JOINT MOTION FOR JUDGMENT ON THE PLEADINGS

Counterclaim Defendants MĀLAMA PŪPŪKEA-WAIMEA, SAVE SHARKS COVE
ALLIANCE, LARRY McELHENY, JOHN THIELST, CORA SANCHEZ, and HAWAII'S

THOUSAND FRIENDS’ Joint Motion for Judgment on the Pleadings, filed March 13, 2020(“Motion”), came on for hearing before the Honorable James H. Ashford on May 12, 2020 at 9:00 a.m. Timothy Vandever and Margaret Wille appeared on behalf of Counterclaim Defendants Save Sharks Cove Alliance, Larry McElheny, John Thielst, Cora Sanchez and Surfrider Foundation. Gene Lau appeared on behalf of Counterclaim Defendant Hawaii’s Thousand Friends. Erika Amatore appeared on behalf of Counterclaim Defendant Malama Pupukea-Waimea. Brett Tobin appeared on behalf of Counterclaim Plaintiff Hanapohaku LLC (“Counterclaim Plaintiff”). Brad Saito, Department of Corporation Counsel, appeared on behalf of Defendants City and County of Honolulu, City Council of the City and County of Honolulu, and the Department of Planning and Permitting of the City and County of Honolulu.

The Court has considered the briefs and the arguments of counsel. On this basis, and for good cause appearing, the Court hereby Orders that:

The Motion is GRANTED IN PART AND DENIED IN PART, as follows:

1. Counterclaim Plaintiff’s counterclaim for abuse of process claim is dismissed, without prejudice;
2. The Motion is denied in all other respects, without prejudice.

DATED: Honolulu, Hawai‘i, June 4, 2020

/s/ James H. Ashford



Judge of the above-entitled Court

Save Sharks Cove Alliance, et al. v. City and County of Honolulu, et al.; Civil No. 19-1-0057-01 (JHA); ORDER GRANTING IN PART AND DENYING IN PART COUNTERCLAIM DEFENDANTS’ JOINT MOTION FOR JUDGMENT ON THE PLEADINGS

NOTICE OF ELECTRONIC FILING

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Case ID: 1CC191000057

Title: SAVE SHARKS COVE ALLIANCE VS C & C OF HONOLULU

Filing Date / Time: THURSDAY, JUNE 4, 2020 02:34:27 PM

Filing Parties: Terrence Lee
Brett Tobin

Case Type: Circuit Court Civil

Lead Document(s):

Supporting Document(s): 101-Order-Grant/Deny in Part

Document Name: 101-ORDER GRANTING IN PART AND DENYING IN PART COUNTERCLAIM DEFENDANTS' JOINT MOTION FOR JUDGMENT ON THE PLEADINGS

If the filing noted above includes a document, this Notice of Electronic Filing is service of the document under the Hawai'i Electronic Filing and Service Rules.

This notification is being electronically mailed to:
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The following parties need to be conventionally served:

ALL PARTIES-RE DOCKET ONLY-NOT PARTY RE SERVICE REQUIREMENT
