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Electronically Filed
FIRST CIRCUIT
1CC191000057
02-FEB-2021
11:58 AM
Dkt. 359 SFDW

Attorneys for Counterclaim Defendant
LARRY McELHENY

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

SAVE SHARKS COVE ALLIANCE,
MĀLAMA PŪPŪKEA-WAIMEA,
HAWAII'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.

HANAPOHAKU LLC

Counterclaim Plaintiff,

vs.

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

Counterclaim Defendants.

) Civil No. 19-1-0057-01 (JHA)
) (Declaratory and Injunctive Relief)
)
) **PROPOSED STIPULATION FOR**
) **DISMISSAL WITH PREJUDICE OF ALL**
) **CLAIMS ASSERTED BY**
) **COUNTERCLAIM PLAINTIFF**
) **HANAPOHAKU LLC AGAINST**
) **COUNTERCLAIM DEFENDANTS SAVE**
) **SHARKS COVE ALLIANCE, MĀLAMA**
) **PŪPŪKEA-WAIMEA, HAWAII'S**
) **THOUSAND FRIENDS, LARRY**
) **McELHENY, JOHN THIELST AND**
) **CORA SANCHEZ; AND ORDER**

) Trial date: February 22, 2021
) Trial Judge: Hon. James H. Ashford

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

Counterclaim Defendants.

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

) **STIPULATION FOR DISMISSAL WITH**
) **PREJUDICE OF ALL CLAIMS**
) **ASSERTED BY COUNTERCLAIM**
) **PLAINTIFF HANAPOHAKU LLC**
) **AGAINST COUNTERCLAIM**
) **DEFENDANTS SAVE SHARKS COVE**
) **ALLIANCE, MĀLAMA PŪPŪKEA-**
) **WAIMEA, HAWAII'S THOUSAND**
) **FRIENDS, LARRY McELHENY, JOHN**
) **THIELST AND CORA SANCHEZ; AND**
) **ORDER**

) Trial date: February 22, 2021
) Trial Judge: Hon. James H. Ashford

**STIPULATION FOR DISMISSAL WITH PREJUDICE OF ALL CLAIMS
ASSERTED BY COUNTERCLAIM PLAINTIFF HANAPOHAKU LLC
AGAINST COUNTERCLAIM DEFENDANTS SAVE SHARKS COVE ALLIANCE,
MĀLĀMĀ PŪPŪKEA-WAIMEA, HAWAII'S THOUSAND FRIENDS,
LARRY McELHENY, JOHN THIELST AND CORA SANCHEZ**

IT IS HEREBY STIPULATED by and between Counterclaim Plaintiff HANAPOHAKU LLC (“Counterclaim Plaintiff”) and Counterclaim Defendants SAVE SHARKS COVE ALLIANCE, MĀLĀMĀ PŪPŪKEA-WAIMEA, HAWAII'S THOUSAND FRIENDS, LARRY McELHENY, JOHN THIELST AND CORA SANCHEZ (collectively “Counterclaim Defendants”), by and through their respective counsel, that pursuant to Rules 41(c) and 41.1 of the Hawai`i Rules of Civil Procedure, all claims asserted by Counterclaim Plaintiff against Counterclaim Defendants in the above-captioned matter, be and hereby are, dismissed with prejudice, each party to bear his or her own attorneys’ fees and costs.

Trial is scheduled for February 22, 2021. All other claims asserted in this action, remain.

DATED at Honolulu, Hawai`i, January 25, 2021.

/s/Timothy Vandever
MARGARET DUNHAM WILLE
TIMOTHY VANDEVEER
Attorneys for Plaintiff/Counterclaim Defendant
SAVE SHARKS COVE ALLIANCE

DATED at Honolulu, Hawai`i, January 25, 2021.

/s/Pamela W. Bunn
PAMELA W. BUNN
ERIKA L. AMATORE
Attorneys for Plaintiff/Counterclaim Defendant
MĀLĀMĀ PŪPŪKEA-WAIMEA

DATED at Honolulu, Hawai`i, January 25, 2021.

/s/Pamela W. Bunn
PAMELA W. BUNN
ERIKA L. AMATORE
Attorneys for Plaintiff
HAWAII'S THOUSAND FRIENDS

DATED at Honolulu, Hawai`i, January 25, 2021.

/s/Gene K. Lau
GENE K. LAU
Attorney for Counterclaim Defendant
HAWAII'S THOUSAND FRIENDS

DATED at Honolulu, Hawai`i, January 25, 2021.

/s/Timothy Vandever
MARGARET DUNHAM WILLE
TIMOTHY VANDEVEER
Attorneys for Plaintiff
LARRY McELHENY

Save Sharks Cove Alliance, et al v. City and County of Honolulu, et al.; Civil No. 1CC191000057; STIPULATION FOR DISMISSAL WITH PREJUDICE OF ALL CLAIMS ASSERTED BY COUNTERCLAIM PLAINTIFF HANAPOHAKU LLC AGAINST COUNTERCLAIM DEFENDANTS SAVE SHARKS COVE ALLIANCE, MĀLĀMĀ PŪPŪKEA-WAIMEA, HAWAII'S THOUSAND FRIENDS, LARRY McELHENY, JOHN THIELST AND CORA SANCHEZ; AND ORDER

DATED at Honolulu, Hawai`i, February 2, 2021.

/s/Bradford K. Chun
MICHELE-LYNN E. LUKE
BRADFORD K. CHUN
Attorney for Counterclaim Defendant
LARRY McELHENY

DATED at Honolulu, Hawai`i, January 25, 2021.

/s/Timothy Vandever
MARGARET DUNHAM WILLE
TIMOTHY VANDEVEER
Attorneys for Plaintiff/Counterclaim Defendant
JOHN THIELST

DATED at Honolulu, Hawai`i, January 25, 2021.

/s/Wade J. Katano
WADE J. KATANO
Attorney for Counterclaim Defendant
JOHN THIELST

Save Sharks Cove Alliance, et al v. City and County of Honolulu, et al.; Civil No. 1CC191000057; STIPULATION FOR DISMISSAL WITH PREJUDICE OF ALL CLAIMS ASSERTED BY COUNTERCLAIM PLAINTIFF HANAPOHAKU LLC AGAINST COUNTERCLAIM DEFENDANTS SAVE SHARKS COVE ALLIANCE, MĀLĀMĀ PŪPŪKEA-WAIMEA, HAWAII'S THOUSAND FRIENDS, LARRY McELHENY, JOHN THIELST AND CORA SANCHEZ; AND ORDER

DATED at Honolulu, Hawai`i, January 25, 2021.

/s/Timothy Vandever
MARGARET DUNHAM WILLE
TIMOTHY VANDEVEER
Attorneys for Plaintiff/Counterclaim Defendant
CORA SANCHEZ

DATED at Honolulu, Hawai`i, January 25, 2021.

/s/Timothy Vandever
MARGARET DUNHAM WILLE
TIMOTHY VANDEVEER
Attorneys for Plaintiff
SURFRIDER FOUNDATION

DATED at Honolulu, Hawai`i, January 25, 2021.

/s/Brad T. Saito
PAUL S. AOKI
BRAD T. SAITO
JACOB GARNER
Attorneys for Defendants
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

Save Sharks Cove Alliance, et al v. City and County of Honolulu, et al.; Civil No. 1CC191000057; STIPULATION FOR DISMISSAL WITH PREJUDICE OF ALL CLAIMS ASSERTED BY COUNTERCLAIM PLAINTIFF HANAPOHAKU LLC AGAINST COUNTERCLAIM DEFENDANTS SAVE SHARKS COVE ALLIANCE, MĀLĀMĀ PŪPŪKEA-WAIMEA, HAWAII'S THOUSAND FRIENDS, LARRY McELHENY, JOHN THIELST AND CORA SANCHEZ; AND ORDER

