

STARN • O'TOOLE • MARCUS & FISHER  
A Law Corporation

TERENCE J. O'TOOLE 1209-0  
SHARON V. LOVEJOY 5083-0  
LANE HORNFECK 7117-0  
WIL K. YAMAMOTO 7817-0  
DENNIS E. PHILLIPS 8381-0

Suite 1900, Pacific Guardian Center  
Makai Tower, 733 Bishop Street  
Honolulu, Hawaii 96813  
Telephone: (808) 537-6100

Attorneys for Defendant  
KUILIMA RESORT COMPANY

STATE OF HAWAII  
FILED

2006 JUN 20 PM 1:49

J. KUBO  
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

KEEP THE NORTH SHORE COUNTRY, a  
Hawai'i non-profit corporation, SIERRA  
CLUB, HAWAII CHAPTER, a foreign non-  
profit corporation,

Plaintiffs,

vs.

CITY AND COUNTY OF HONOLULU;  
HENRY ENG, Director of Department of  
Planning and Permitting in his official  
capacity; KUILIMA RESORT COMPANY, a  
Hawaii general partnership; JOHN DOES 1-  
10; JANE DOES 1-10; DOE  
PARTNERSHIPS 1-10; DOE  
CORPORATIONS 1-10; DOE ENTITIES 1-  
10; and DOE GOVERNMENTAL UNITS 1-  
10,

Defendants.

CIVIL NO. 06-1-0867-05 (SSM)  
(Declaratory Judgment)

FINAL JUDGMENT

## FINAL JUDGMENT

Pursuant to the ORDER (1) GRANTING DEFENDANT KUILIMA RESORT COMPANY'S THIRD MOTION FOR SUMMARY JUDGMENT (RE: BURDEN OF PROOF) FILED OCTOBER 11, 2006; (2) GRANTING THE CITY AND COUNTY OF HONOLULU, DEPARTMENT OF PLANNING AND PERMITTING'S JOINDER IN DEFENDANT KUILIMA RESORT COMPANY'S THIRD MOTION FOR SUMMARY JUDGMENT (RE: BURDEN OF PROOF) FILED OCTOBER 25, 2006; (3) DENYING PLAINTIFFS KEEP THE NORTH SHORE COUNTRY AND SIERRA CLUB, HAWAII CHAPTER'S MOTION FOR SUMMARY JUDGMENT FILED OCTOBER 26, 2006; AND (4) RE DEFENDANT KUILIMA RESORT COMPANY'S FIRST MOTION FOR SUMMARY JUDGMENT (RE: STATUTE OF LIMITATIONS) FILED OCTOBER 11, 2006, DEFENDANT KUILIMA RESORT COMPANY'S SECOND MOTION FOR SUMMARY JUDGMENT (RE: NON-DISCRETIONARY ACTIONS) FILED OCTOBER 11, 2006, DEFENDANT KUILIMA RESORT COMPANY'S MOTION FOR JUDGMENT ON THE PLEADINGS FILED OCTOBER 11, 2006, AND DEFENDANT KUILIMA RESORT COMPANY'S MOTION FOR PROTECTIVE ORDER FILED OCTOBER 24, 2006, entered on December 5, 2006, Judgment is hereby entered in favor of Defendants CITY AND COUNTY OF HONOLULU; HENRY ENG, Director of Department of Planning and Permitting in his official capacity, and KUILIMA RESORT COMPANY ("Defendants").

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that final judgment is entered in favor of Defendants and against Plaintiffs KEEP THE NORTH SHORE COUNTRY and SIERRA CLUB, HAWAII CHAPTER, as to all claims set forth in the First Amended Complaint filed in Civil No. 06-1-0867-05 (SSM) on June 7, 2006.

All issues have been resolved herein, and there are no remaining issues or parties in this case. This Court expressly directs that said Judgment be entered as a final judgment.

IT IS SO ORDERED AND ADJUDGED this 15<sup>th</sup> day of December, 2006.

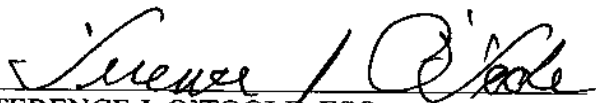
SARRINA S. MCKENNA  
JUDGE OF THE ABOVE-ENTITLED COURT




---

*Keep the North Shore Country, et al. v. City and County of Honolulu, et al.*, Civil No. 06-1-0867-05 (SSM), Circuit Court of the First Circuit, State of Hawaii: FINAL JUDGMENT

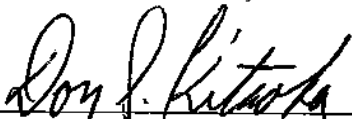
APPROVED AS TO FORM:

  
TERENCE J. O'TOOLE, ESQ.  
SHARON V. LOVEJOY, ESQ.  
LANE HORNFECK, ESQ.  
WIL K. YAMAMOTO, ESQ.  
DENNIS E. PHILLIPS, ESQ.

Attorneys for Defendant  
KUILIMA RESORT COMPANY

  
WILLIAM S. HUNT, ESQ.  
LAURA P. COUCH, ESQ.

Attorneys for Plaintiffs  
KEEP THE NORTH SHORE COUNTRY  
and SIERRA CLUB, HAWAII CHAPTER

  
DON S. KITAOKA, ESQ.  
LORI K. K. SUNAKODA, ESQ.

Attorneys for Defendant  
CITY AND COUNTY OF HONOLULU and HENRY ENG

---

*Keep The North Shore Country, et al. v. City and County of Honolulu*, Civil No. 06-1-0867-05 (SSM);  
Circuit Court of the First Circuit, State of Hawaii: FINAL JUDGMENT