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Electronically Filed
Intermediate Court of Appeals
CAAP-18-0000578
20-JUL-2018
08:20 AM

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, a domestic nonprofit corporation; OCEAN RESORT VILLAS NORTH VACATION OWNERS ASSOCIATION, a domestic nonprofit corporation; OCEAN RESORT VILLAS NORTH VACATION OWNERS ASSOCIATION, a domestic nonprofit corporation; VIC H. HENRY; AND PETER A. BAGATELOS,

Plaintiffs,

vs.

COUNTY OF MAUI; MAUI COUNTY COUNCIL; JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10; DOE CORPORATIONS 1-10; DOE GOVERNMENTAL ENTITIES 1-10; AND DOE ENTITIES 1-10,

Defendants.

CIVIL NO. 13-1-0848(2)
(Other Civil Action)

APPELLANT COUNTY OF MAUI'S AND MAUI COUNTY COUNCIL'S NOTICE OF APPEAL FROM **1)** ORDER CERTIFYING FOR INTERLOCUTORY APPEAL THE FINDINGS OF FACT CONCLUSIONS OF LAW; [ILLEGALITY] ORDER, FILED MARCH 23, 2018, PURSUANT TO HAWAI'I REVISED STATUTES SECTION 641-1(b) AND STAYING PROCEEDINGS UNDER HAWAI'I RULES OF CIVIL PROCEDURE RULE 62(d) AND (e), **2)** ORDER CERTIFYING FOR INTERLOCUTORY APPEAL COUNTS V, VI, VII, AND VIII OF THE SECOND AMENDED COMPLAINT, FILED AUGUST 12, 2016, PURSUANT TO HAWAI'I RULES OF CIVIL PROCEDURE RULE 54(b), AND STAYING PROCEEDINGS UNDER HAWAI'I RULES OF CIVIL PROCEDURE RULE 62(d) AND (e), and **3)** FINAL JUDGMENT ON COUNTS V, VI, VII, AND VIII OF THE SECOND AMENDED COMPLAINT FILED ON AUGUST 12, 2016; EXHBITS 1-3; CERTIFICATE OF SERVICE

Judge: The Honorable Peter T. Cahill

APPELLANT COUNTY OF MAUI'S AND
MAUI COUNTY COUNCIL'S NOTICE OF APPEAL FROM:

1) ORDER CERTIFYING FOR INTERLOCUTORY APPEAL THE FINDINGS OF FACT CONCLUSIONS OF LAW; [ILLEGALITY ORDER, FILED MARCH 23, 2018, PURSUANT TO HAWAI'I REVISED STATUTES SECTION 641-1(b) AND STAYING PROCEEDINGS UNDER HAWAI'I RULES OF CIVIL PROCEDURE RULE 62(d) AND (e),

2) ORDER CERTIFYING FOR INTERLOCUTORY APPEAL COUNTS V, VI, VII, AND VIII OF THE SECOND AMENDED COMPLAINT, FILED AUGUST 12, 2016, PURSUANT TO HAWAI'I RULES OF CIVIL PROCEDURE RULE 54(b), AND STAYING PROCEEDINGS UNDER HAWAI'I RULES OF CIVIL PROCEDURE RULE 62(d) AND (e), and

3) FINAL JUDGMENT ON COUNTS V, VI, VII, AND VIII OF THE SECOND AMENDED COMPLAINT FILED ON AUGUST 12, 2016

Pursuant to Hawai'i Rules of Appellate Procedure Rules 3 and 4, and Hawai'i Revised Statutes section 641, Defendants/Appellants COUNTY OF MAUI and MAUI COUNTY COUNCIL give notice of their appeal in the above-captioned matter from the following:

1) ORDER CERTIFYING FOR INTERLOCUTORY APPEAL THE FINDINGS OF FACT CONCLUSIONS OF LAW; [ILLEGALITY] ORDER, FILED MARCH 23, 2018, PURSUANT TO HAWAI'I REVISED STATUTES SECTION 641-1(b) AND STAYING PROCEEDINGS UNDER HAWAI'I RULES OF CIVIL PROCEDURE RULE 62(d) AND (e), filed June 25, 2018 [*See*, **Exhibit 1**, attached],

2) ORDER CERTIFYING FOR INTERLOCUTORY APPEAL COUNTS V, VI, VII, AND VIII OF THE SECOND AMENDED COMPLAINT, FILED AUGUST 12, 2016, PURSUANT TO HAWAI'I RULES OF CIVIL PROCEDURE RULE 54(b), AND STAYING PROCEEDINGS UNDER HAWAI'I RULES OF CIVIL PROCEDURE RULE 62(d) AND (e), filed June 25, 2018 [*See*, **Exhibit 2**, attached]; and

3) FINAL JUDGMENT ON COUNTS V, VI, VII, AND VIII OF THE SECOND AMENDED COMPLAINT FILED ON AUGUST 12, 2016, filed June 25, 2018 [*See*, **Exhibit 3**, attached].

DATED: Wailuku, Maui, Hawai'i, July 20, 2018.

PATRICK K. WONG
Corporation Counsel
Attorneys for Appellant/Tax-Appellee
COUNTY OF MAUI

By _____
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Attorneys for Plaintiffs
OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION; OCEAN RESORT VILLAS NORTH VACATION OWNERS ASSOCIATION; VIC H. HENRY; and PETER A. BAGATELOS

FILED

2018 JUN 25 PM 1:04

V. ISHIHARA, CLERK
SECOND CIRCUIT COURT
STATE OF HAWAI'I

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAI'I

OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, a domestic nonprofit corporation; OCEAN RESORT VILLAS NORTH VACATION OWNERS ASSOCIATION, a domestic nonprofit corporation; VIC H. HENRY; AND PETER A. BAGATELOS, Plaintiffs, vs. COUNTY OF MAUI; MAUI COUNTY COUNCIL; JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10; DOE CORPORATIONS 1-10; DOE GOVERNMENTAL ENTITIES 1-10; AND DOE ENTITIES 1-10, Defendants.	CIVIL NO. 13-1-0848 (2) (PTC) (Other Civil Action) ORDER CERTIFYING FOR INTERLOCUTORY APPEAL THE FINDINGS OF FACT, CONCLUSIONS OF LAW; [ILLEGALITY] ORDER, FILED MARCH 23, 2018, PURSUANT TO HAWAI'I REVISED STATUTES SECTION 641-1(B) AND STAYING PROCEEDINGS UNDER HAWAI'I RULES OF CIVIL PROCEDURE RULE 62(D) AND (E)

EXHIBIT 1

ORDER CERTIFYING FOR INTERLOCUTORY APPEAL THE FINDINGS OF FACT, CONCLUSIONS OF LAW; [ILLEGALITY] ORDER, FILED MARCH 23, 2018, PURSUANT TO HAWAI'I REVISED STATUTES SECTION 641-1(B) AND STAYING PROCEEDINGS UNDER HAWAI'I RULES OF CIVIL PROCEDURE RULE 62(D) AND (E)

Defendants County of Maui and Maui County Council's (collectively, "the County") Motion for Certification of Issue(s) for Interlocutory Appellate Review Pursuant to Hawai'i Revised Statutes § 641-1 and/or Alternatively For Entry of Judgment Pursuant to Hawai'i Rules of Civil Procedure Rule 54(b), and To Stay Proceedings Pending Appeal, filed April 9, 2018 ("Motion"), came on for hearing before the Honorable Peter T. Cahill on June 1, 2018, at 8:15 a.m. Deputy Corporation Counsel Brian A. Bilberry appeared on behalf of the County, and Robert G. Klein, Esq. and Shanlyn A. S. Park, Esq. appeared on behalf of Plaintiffs Ocean Resort Villas Vacation Owners Association ("ORV"), Ocean Resort Villas North Vacation Owners Association ("ORVN"), Vic H. Henry, and Peter A. Bagatelos.

Hawai'i Revised Statutes ("HRS") Section 641-1(b) provides:

> Upon application made within the time provided by the rules of court, an appeal in a civil matter may be allowed by a circuit court in its discretion from an order denying a motion to dismiss or from any interlocutory judgment, order, or decree whenever the circuit court may think the same advisable for the speedy termination of litigation before it. The refusal of the circuit court to allow an appeal from an interlocutory judgment, order, or decree shall not be reviewable by any other court.

After careful consideration of the pending litigation, the Court, in its discretion, makes the following findings and conclusions:

(1) Pursuant to HRS Section 641-1(b), on April 9, 2018, Defendants timely applied for certification for interlocutory appeal the Court's Findings of Fact, Conclusions of Law; Order Granting Plaintiffs' Motion for Partial Summary Judgment Re: Illegality of the Timeshare Real Property Tax Classification, Filed December 19, 2017, and Denying As Moot Plaintiffs' Motion for Partial Summary Judgment, Based on Use, As to Count I (Equal Protection) of the Second

Amended Complaint Filed August 12, 2016, Filed September 29, 2017, filed March 23, 2018 ("Illegality Order"). See Haw. R. App. P. 4 ("A motion for leave to file an interlocutory appeal from an order of the circuit court must be filed within 30 days of the court's entry of the order.").

(2) In the Illegality Order, this Court found that:

> Ordinance No. 3227 violated MCC section 3.48.305, and the Timeshare real property tax classification is illegal. Accordingly, the associated tax rates that the County adopted for the Timeshare real property tax classification from 2005 to the present are collectively, inherently invalid and void, and ORV and ORVN have incurred damages in the amount of the real property taxes they actually paid in excess of what they would have paid had the timeshares been included in the Hotel real property tax classification.

Illegality Order ¶ 22. The Court concluded that "[b]ecause the County created the Timeshare real property tax classification based on considerations other than any distinction in the actual use of timeshare and hotel property, the County violated MCC section 3.48.305, and the classification is therefore illegal and void from its inception." Id. ¶ 35. The Court further ruled that "[b]ecause the legality of the Timeshare real property tax classification is implicit to Count I (Equal Protection) of the Second Amended Complaint, filed on August 12, 2016, the Court's conclusion that the classification is illegal and void disposes of Count I." Id. ¶ 36.

(3) The only remaining issues relating to Count I are (i) the amount of damages incurred in the amount of the real property taxes ORV and ORVN actually paid in excess of what they would have paid had the timeshares been included in the Hotel real property tax classification; and (ii) costs and fees. Id. ¶ 22.

(4) The appellate court's reversal of the Illegality Order as to Count I will moot the issues of the amount of damages, costs, and fees, eliminating the need for any further proceedings before this Court.

(5) An interlocutory appeal of the Illegality Order pursuant to HRS Section 641-1(b) is therefore advisable as it will lead to the speedy termination of litigation. Certification of the Illegality Order is not based only on saving time and resources in the litigation before this Court.

The Court, having considered the memoranda submitted by the parties, arguments of counsel, the files and pleadings herein, and being fully apprised in the premises, and good cause appearing therefor, rules as follows:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Motion is GRANTED to the extent that the Court's Findings of Fact, Conclusions of Law; Order Granting Plaintiffs' Motion for Partial Summary Judgment Re: Illegality of the Timeshare Real Property Tax Classification, Filed December 19, 2017, and Denying As Moot Plaintiffs' Motion for Partial Summary Judgment, Based on Use, As to Count I (Equal Protection) of the Second Amended Complaint Filed August 12, 2016, Filed September 29, 2017, filed March 23, 2018, is CERTIFIED FOR INTERLOCUTORY APPEAL PURSUANT TO HRS SECTION 641-1(B).

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that because the interlocutory appeal could moot the issues of the amount of damages, costs, and fees as related to Count I, pursuant to Hawai'i Rules of Civil Procedure Rule 62(d) and (e), the Court stays all briefing deadlines, motions, hearings, and trial relating to the remaining issue of damages and costs and fees relating to Count I pending the Intermediate Court of Appeal's final

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decision and the expiration of the time for filing a petition for writ of certiorari, denial of a petition for writ of certiorari, or a final decision by the Hawai'i Supreme Court.

DATED: Wailuku, Hawai'i, JUN 2 2 2018.

/S/ PETER T. CAHILL (SEAL)

JUDGE OF THE ABOVE-ENTITLED COURT

FILED
2018 JUN 25 PM 1:04
V. ISHIHARA, CLERK
SECOND CIRCUIT COURT
STATE OF HAWAII

McCORRISTON MILLER MUKAI MacKINNON LLP

LISA W. CATALDO #6159-0
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Attorneys for Plaintiffs
OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION; OCEAN RESORT VILLAS NORTH VACATION OWNERS ASSOCIATION; VIC H. HENRY; and PETER A. BAGATELOS

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAI'I

OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, a domestic nonprofit corporation; OCEAN RESORT VILLAS NORTH VACATION OWNERS ASSOCIATION, a domestic nonprofit corporation; VIC H. HENRY; AND PETER A. BAGATELOS, Plaintiffs, vs. COUNTY OF MAUI; MAUI COUNTY COUNCIL; JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10; DOE CORPORATIONS 1-10; DOE GOVERNMENTAL ENTITIES 1-10; AND DOE ENTITIES 1-10, Defendants.	CIVIL NO. 13-1-0848 (2) (PTC) (Other Civil Action) ORDER CERTIFYING FOR INTERLOCUTORY APPEAL COUNTS V, VI, VII, AND VIII OF THE SECOND AMENDED COMPLAINT, FILED AUGUST 12, 2016, PURSUANT TO HAWAI'I RULES OF CIVIL PROCEDURE RULE 54(B), AND STAYING PROCEEDINGS UNDER HAWAI'I RULES OF CIVIL PROCEDURE RULE 62(D) AND (E)

EXHIBIT 2

ORDER CERTIFYING FOR INTERLOCUTORY APPEAL COUNTS V, VI, VII, AND VIII OF THE SECOND AMENDED COMPLAINT, FILED AUGUST 12, 2016, PURSUANT TO HAWAI'I RULES OF CIVIL PROCEDURE RULE 54(B), AND STAYING PROCEEDINGS UNDER HAWAI'I RULES OF CIVIL PROCEDURE RULE 62(D) AND (E)

Defendants County of Maui and Maui County Council's (collectively, "the County") Motion for Certification of Issue(s) for Interlocutory Appellate Review Pursuant to Hawai'i Revised Statutes § 641-1 and/or Alternatively For Entry of Judgment Pursuant to Hawai'i Rules of Civil Procedure Rule 54(b), and To Stay Proceedings Pending Appeal, filed April 9, 2018 ("Motion"), came on for hearing before the Honorable Peter T. Cahill on June 1, 2018, at 8:15 a.m. Deputy Corporation Counsel Brian A. Bilberry appeared on behalf of the County, and Robert G. Klein, Esq. and Shanlyn A. S. Park, Esq. appeared on behalf of Plaintiffs Ocean Resort Villas Vacation Owners Association, Ocean Resort Villas North Vacation Owners Association, Vic H. Henry, and Peter A. Bagatelos.

Rule 54(b) of the Hawai'i Rules of Civil Procedure ("HRCP") provides:

> When more than one claim for relief is presented in an action, whether as a claim, counterclaim, cross-claim, or third-party claim, or when multiple parties are involved, the court may direct the entry of a final judgment as to one or more but fewer than all of the claims or parties only upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment. In the absence of such determination and direction, any order or other form of decision, however designated, which adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties shall not terminate the action as to any of the claims or parties, and the order or other form of decision is subject to revision at any time before the entry of judgment adjudicating all the claims and the rights and liabilities of all the parties.

Under Rule 54(b), the power of a lower court to enter a certification of finality is "limited to only those cases where . . . the judgment entered completely disposes of at least one claim or all of the claims by or against at least one party." Elliot Megdal & Assocs. v. Daio USA Corp., 87 Hawai'i 129, 133, 952 P.2d 886, 890 (App. 1998).

On August 9, 2017, the Court entered its Findings of Fact, Conclusions of Law; Order Granting Plaintiffs' Motions for Partial Summary Judgment on Counts V, VI, VII, and VIII of the Second Amended Complaint Filed August 12, 2016, Filed on December 1, 2016; and Denying Defendants County of Maui and the Maui County Council's Motion for Partial Summary Judgment As To Count V of Plaintiffs' Second Amended Complaint Filed 2016-08-12, Filed on December 12, 2016 ("Amended Assessments Order").

The Amended Assessments Order found in favor of Plaintiffs as to Count V (Declaratory Judgment as to Illegality of Amended Assessments), Count VI (Violation of First Amendment to the U.S. Constitution and Article I, Section 4 of the Hawai'i Constitution—Amended Assessments), and Count VII (Violation of Due Process Clauses of U.S. and Hawai'i Constitutions—Amended Assessments).

Accordingly, the Court granted (1) Plaintiffs' Motion for Partial Summary Judgment on Count V (Illegality) of the Second Amended Complaint, filed August 12, 2016; (2) Plaintiffs' Motion for Partial Summary Judgment on Count VI (First Amendment) of the Second Amended Complaint, filed August 12, 2016; (3) Plaintiffs' Motion for Partial Summary Judgment on Count VII (Due Process) of the Second Amended Complaint, filed August 12, 2016; and (4) Plaintiffs' Motion for Partial Summary Judgment on Count VIII (42 U.S.C. § 1983) of the Second Amended Complaint, filed August 12, 2016. The Court denied Defendants' Motion for Partial Summary Judgment as to Count V of Plaintiffs' Second Amended Complaint filed 2016-08-12, filed on December 12, 2016.

In the Amended Assessments Order, the Court ordered the County to refund to Plaintiffs, within thirty days of entry of the order, "all tax payments associated with the Amended Assessments, totaling $10,728,518.49 ($6,879,447.79 to ORV and $3,849,070.70 to ORVN),

with interest in accordance with MCC § 3.48.670." Amended Assessments Order at 74. Additionally, the County was ordered to pay Plaintiffs, within thirty days of entry of the Amended Assessments Order, the Tax Review Board appeal fees in the amount of $83,325.00. See id. The Court also permitted Plaintiffs to submit a separate motion supported by evidence to establish the amount of their damages, including but not limited to attorneys' fees and costs. See id.

On September 22, 2017, Plaintiffs filed their Motion Re Damages Related to Count VIII (42 U.S.C. § 1983) of the Second Amended Complaint Filed August 12, 2016. On January 23, 2018, the Court filed its Order Granting in Part and Deferring in Part Plaintiffs' Motion Re Damages Related to Count VIII (42 U.S.C. § 1983) of the Second Amended Complaint Filed August 12, 2016.

On March 6, 2018, Plaintiffs filed their Motion for Further Hearing on Plaintiff's Request for Fees and Costs Relating to Count VII of the Second Amended Complaint Filed August 12, 2016. On May 30, 2018, the Court filed the Order Granting (1) Plaintiffs' Motion for Furthering Hearing on Plaintiffs' Request for Fees and Costs Relating to Count VIII of the Second Amended Complaint Filed August 12, 2016, Filed March 6, 2018; and (2) Plaintiffs' Motion Re Damages Related to Count VIII (42 U.S.C. § 1983) of the Second Amended Complaint Filed August 12, 2016, Filed September 22, 2017.

The Court finds and concludes that Counts V, VI, VII, and VIII of the Second Amended Complaint, filed August 12, 2016, have been completely disposed of in favor of Plaintiffs and against the County. The Court sees no just reason for delay in certifying these claims for interlocutory appeal.

The Court, having considered the memoranda submitted by the parties, arguments of counsel, the files and pleadings herein, and being fully apprised in the premises, and good cause appearing therefor, rules as follows:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Motion is GRANTED to the extent that the Court directs entry of final judgment as to Counts V, VI, VII, and VIII of the Second Amended Complaint, filed August 12, 2016, and those Counts are hereby CERTIFIED FOR INTERLOCUTORY APPEAL PURSUANT TO HRCP RULE 54(B). *

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant to HRCP Rule 62(d) and (e), the Court stays all briefing deadlines, motions, hearings, and trial relating to the remaining issue of damages and costs and fees pertaining to Count I pending the Intermediate Court of Appeal's final decision and the expiration of the time for filing a petition for writ of certiorari, denial of a petition for writ of certiorari, or a final decision by the Hawai'i Supreme Court.

DATED: Wailuku, Hawai'i. JUN 2 2 2018.

Peter K. Cahill

JUDGE OF THE ABOVE-ENTITLED COURT

CIRCUIT COURT SECOND CIRCUIT SEAL STATE OF HAWAII

* The Court expressly determines that there is no just reason for delay and expressly directs the entry of Judgment. PKC

Ocean Resort Villas Vacation Owners Ass'n et al. v. County of Maui et al.; Civil No. 13-1-0848(2); Second Circuit Court; ORDER CERTIFYING FOR INTERLOCUTORY APPEAL COUNTS V, VI, VII, AND VIII OF THE SECOND AMENDED COMPLAINT, FILED AUGUST 12, 2016, PURSUANT TO HAWAI'I RULES OF CIVIL PROCEDURE RULE 54(B), AND STAYING PROCEEDINGS UNDER HAWAI'I RULES OF CIVIL PROCEDURE RULE 62(D) AND (E)

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FILED

2018 JUL -2 PM 4:02

A. PERKETT, CLERK
SECOND CIRCUIT COURT
STATE OF HAWAI'I

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAI'I

OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, a domestic nonprofit corporation; OCEAN RESORT VILLAS NORTH VACATION OWNERS ASSOCIATION, a domestic nonprofit corporation; VIC H. HENRY; AND PETER A. BAGATELOS, Plaintiffs, vs. COUNTY OF MAUI; MAUI COUNTY COUNCIL; JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10; DOE CORPORATIONS 1-10; DOE GOVERNMENTAL ENTITIES 1-10; AND DOE ENTITIES 1-10, Defendants.	CIVIL NO. 13-1-0848 (2) (PTC) (Other Civil Action) FINAL JUDGMENT ON COUNTS V, VI, VII, AND VIII OF THE SECOND AMENDED COMPLAINT FILED ON AUGUST 12, 2016 Trial Date: January 8, 2018 (Vacated)

EXHIBIT 3

FINAL JUDGMENT ON COUNTS V, VI, VII, AND VIII
OF THE SECOND AMENDED COMPLAINT FILED ON AUGUST 12, 2016

In accordance with Rule 58 of the Hawai'i Rules of Civil Procedure and pursuant to the Court's Order Certifying for Interlocutory Appeal Counts V, VI, VII, and VIII of the Second Amended Complaint, Filed August 12, 2016, Pursuant to Hawai'i Rules of Civil Procedure Rule 54(b), and Staying Proceedings Under Hawai'i Rules of Civil Procedure Rule 62(D) and (E), filed June 25, 2018,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that, having determined that there is no just reason for delay and directed the entry of a final judgment pursuant to Rule 54(b) of the Hawai'i Rules of Civil Procedure, final judgment is hereby entered in favor of Plaintiffs OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION; OCEAN RESORT VILLAS NORTH VACATION OWNERS ASSOCIATION; VIC H. HENRY; and PETER A. BAGATELOS and against Defendants COUNTY OF MAUI and MAUI COUNTY COUNCIL on Counts V, VI, VII, and VIII of the Second Amended Complaint filed herein on August 12, 2016.

DATED: Wailuku, Hawai'i, JUN 29 2018.

/S/ PETER T. CAHILL (SEAL)

JUDGE OF THE ABOVE-ENTITLED COURT

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, a domestic nonprofit corporation; et al., Plaintiffs, vs. COUNTY OF MAUI; et al., Defendants.	CIVIL NO. 13-1-0848(2) (Other Civil Action) CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was duly served on July 20, 2018 upon the following parties by U.S. Mail, postage prepaid, on July 20, 2018 at their last known address:

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Shanlyn S. Park, Esq.
Jordon J. Kimura, Esq.
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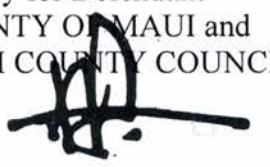
Attorney for Plaintiffs

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

PATRICK K. WONG
Corporation Counsel
Attorney for Defendant
COUNTY OF MAUI and
MAUI COUNTY COUNCIL



By
BRIAN A. BILBERRY
Deputy Corporation Counsel