

CARRIE K. S. OKINAGA, 5958
 Corporation Counsel
 DON S. KITAOKA, 2967
 LORI K.K. SUNAKODA, 5215
 Deputies Corporation Counsel
 City and County of Honolulu
 Honolulu, Hawaii 96813
 Telephone: 523-4096/527-5249

1ST CIRCUIT COURT
 STATE OF HAWAII
 FILED

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T. WONG
 CLERK

Attorneys for Defendants
 City and County of Honolulu
 and Henry Eng

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)
 Hawai'i 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)

DEFENDANTS CITY AND COUNTY OF
 HONOLULU AND HENRY ENG'S
 QUALIFIED JOINDER IN DEFENDANT
 KUILIMA RESORT COMPANY'S MOTION
 FOR JUDGMENT ON THE PLEADINGS,
 FILED OCTOBER 11, 2006; CERTIFICATE
 OF SERVICE

DATE: November 13, 2006

TIME: 9:45 a.m.

JUDGE: Honorable Sabrina S. McKenna

(NO TRIAL DATE SET)


DEFENDANTS CITY AND COUNTY OF HONOLULU AND
HENRY ENG'S QUALIFIED JOINDER IN DEFENDANT KUILIMA
RESORT COMPANY'S MOTION FOR JUDGMENT ON THE
PLEADINGS, FILED OCTOBER 11, 2006

COME NOW Defendants CITY AND COUNTY OF HONOLULU and HENRY ENG, in his official capacity as Director of Department of Planning and Permitting (hereinafter referred to as "the CITY"), by and through their attorneys, CARRIE K.S. OKINAGA, Corporation Counsel, and DON S. KITAOKA and LORI K.K. SUNAKODA, Deputies Corporation Counsel, and hereby join in DEFENDANT KUILIMA RESORT COMPANY's Motion for Judgment on the Pleadings filed herein on October 11, 2006 and requests that the Court grant the instant Motion for Judgment on the Pleadings and rule that there is no private right of action under Chapter 343 of the Hawaii Revised Statutes or Hawaii Administrative Rules § 11-200 *et. seq.* to require a Supplemental Environmental Impact Statement. However, the CITY does not join in DEFENDANT KUILIMA RESORT COMPANY's Motion for Judgment on the Pleadings to the extent that the facts contained in said Motion constitute legal conclusion(s), argument or otherwise attempt to characterize the actions taken by the CITY with regard to the issuance of any land use approvals/permits.

This Joinder is made pursuant to Rule 7 of the Hawaii Rules of Civil Procedure and is based upon the records and file herein.

DATED: Honolulu, Hawaii, October 25, 2006.

CARRIE K.S. OKINAGA
Corporation Counsel

By 
DON S. KITAOKA
LORI K.K. SUNAKODA
Deputies Corporation Counsel
Attorneys for Defendants
City and County of Honolulu and
Henry Eng

Civil No. 06-1-0867-05 (SSM) – Defendants City and County of Honolulu and Henry Eng's
Qualified Joinder in Defendant Kulima Resort Company's Motion for Judgment on the
Pleadings, Filed October 11, 2006