

1ST CIRCUIT COURT  
STATE OF HAWAII  
FILED

2006 NOV -6 AM 10: 56

N. ANAYA  
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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

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, HAWAI'I 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  
STATEMENT OF NO POSITION  
REGARDING DEFENDANT KUILIMA  
RESORT COMPANY'S SECOND MOTION  
FOR SUMMARY JUDGMENT (RE: NON-  
DISCRETIONARY ACTIONS) 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  
STATEMENT OF NO POSITION REGARDING DEFENDANT KUILIMA  
RESORT COMPANY'S SECOND MOTION FOR SUMMARY JUDGMENT  
(RE: NON-DISCRETIONARY ACTIONS) FILED OCTOBER 11, 2006

COME NOW Defendants CITY AND COUNTY OF HONOLULU and HENRY ENG,  
in his official capacity as Director of the Department of Planning and Permitting, 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 state that they take no  
position regarding Defendant KUILIMA RESORT COMPANY's Second Motion for Summary  
Judgment (Re: Non-Discretionary Actions), filed herein on October 11, 2006, and set for hearing  
on November 13, 2006, at 9:45 a.m., before the Honorable Sabrina S. McKenna.

DATED: Honolulu, Hawaii, November 6, 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