

MARK J. BENNETT 2672
Attorney General State of Hawaii

CARON M. INAGAKI 3835
DIANE K. TAIRA 3761
JOHN M. CREGOR 3521
JOHN C. WONG 2804
JAROD J. BUNA 8976
KRISLEN N. CHUN 7953

Deputy Attorneys General
Department of the Attorney
General, State of Hawaii
425 Queen Street
Honolulu, Hawaii 96813
Telephone: (808) 587-3080
Facsimile: (808) 586-1372

Attorneys for Defendants and Third-Party Plaintiffs
STATE OF HAWAII and
HAWAII PUBLIC HOUSING AUTHORITY

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

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J. KUBO
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

LEWERS FALETOGO; HAZEL
MCMILLON; GENE STRICKLAND;
TRUDY SABALBORO; and LEE
SOMMERS, individually and on behalf of a
class of past, present and future residents of
Kuhio Park Terrace,

Plaintiffs,

vs.

STATE OF HAWAII; HAWAII PUBLIC
HOUSING AUTHORITY; REALTY LAUA
LLC, formerly known as R & L Property
Management LLC, a Hawaii limited liability
company; and Does 1-20,

Defendants.

CIVIL NO. 08-1-2608-12 SSM
(Other Civil Action)

**DEFENDANTS AND THIRD-PARTY
PLAINTIFFS STATE OF HAWAII AND
HAWAII PUBLIC HOUSING
AUTHORITY'S FIRST AMENDED
THIRD-PARTY COMPLAINT AGAINST
URBAN MANAGEMENT CORPORATION
DBA URBAN REAL ESTATE COMPANY;
CERTIFICATE OF SERVICE**

STATE OF HAWAII; HAWAII PUBLIC
HOUSING AUTHORITY,

Third-Party Plaintiffs,

v.

URBAN MANAGEMENT CORPORATION
DBA URBAN REAL ESTATE COMPANY,
DOES 1-20,

Third-Party Defendant.

**DEFENDANTS AND THIRD-PARTY PLAINTIFFS STATE OF HAWAII AND HAWAII
PUBLIC HOUSING AUTHORITY'S FIRST AMENDED THIRD-PARTY COMPLAINT
AGAINST URBAN MANAGEMENT
CORPORATION DBA URBAN REAL ESTATE COMPANY**

Defendants and Third-Party Plaintiffs herein STATE OF HAWAII and THE HAWAII PUBLIC HOUSING AUTHORITY (hereinafter referred to as "HPHA") by and through the Attorney General of the State of Hawaii, and the deputy attorneys general listed below, for its First Amended Third-Party Complaint Against URBAN MANAGEMENT CORPORATION dba URBAN REAL ESTATE COMPANY, and Does 1-20 (hereinafter referred to as "URBAN"), allege and aver as follows:

1. Plaintiffs filed a Complaint against Defendants HPHA and REALTY on December 18, 2008 alleging injuries and/or damages allegedly resulting from said parties' negligence and/or violation of, among other things, 42 U.S.C. §12132, 29 U.S.C. § 794 and 42 U.S.C. §3604f(1).

2. REALTY is the managing agent for Asset Management Project 40, which consists of Kuhio Park Terrace and Kuhio Homes pursuant to a contract and supplements thereto, executed by and between HPHA and REALTY since August 1, 2008.

3. URBAN was the managing agent for Asset Management Project 40, which consists of Kuhio Park Terrace and Kuhio Homes pursuant to a contract and supplements thereto, executed by and between HPHA and URBAN prior to August 1, 2008.

4. Pursuant to terms and conditions of the contract, URBAN shall defend, indemnify and hold harmless the State of Hawaii, HPHA, the contracting agency, their officers, employees, and agents from and against all liability, loss, damage, cost and expense including all attorneys' fees, and all claims, suits and demands therefore arising out of or resulting from the acts or omissions of URBAN, URBAN's employees, officers, agents or subcontractors under the contract.

5. If Plaintiffs sustained the injuries and/or damages as alleged in the Complaint, such injuries and/or damages were the result of the negligent, wrongful, and/or knowing conduct of URBAN and DOES 1-20 and not as a result of negligence or wrongful act or omission of HPHA.

6. If Plaintiffs are entitled to any right of recovery, such right is against URBAN and DOES 1-20 and not HPHA.

7. If the HPHA was in any way negligent, the negligent, wrongful, and/or knowing conduct of URBAN and DOES 1-20 were active and primary, whereas HPHA's conduct was only secondary and passive, and therefore, URBAN and DOES 1-20 must fully indemnify the State for any resulting damages, including Plaintiffs attorneys' fees and costs.

8. If Plaintiffs are entitled to a judgment against HPHA, HPHA is entitled to a corresponding judgment against URBAN and DOES 1-20.

WHEREFORE, HPHA prays for judgment on its Third-Party Complaint against URBAN as follows:

A. That HPHA be provided full contribution and indemnification by URBAN if any or all of Plaintiffs' claims are found against HPHA;

B. That HPHA be awarded its reasonable costs and attorneys' fees by URBAN that will be incurred through the pendency of this action until a final judgment or settlement is entered;

C. That if Plaintiffs are entitled to any judgment against HPHA, that said judgment be awarded against URBAN;

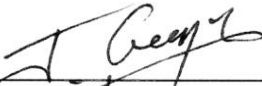
D. That if Plaintiffs are awarded any monetary judgment against HPHA, that HPHA have judgment against URBAN for the same monetary amount awarded to Plaintiffs;

E. That HPHA be awarded such other relief as this Court may deem just and proper.

DATED: Honolulu, Hawaii, June 23, 2009.

STATE OF HAWAII

MARK J. BENNETT
Attorney General



JOHN M. GREGOR
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CERTIFICATE OF SERVICE

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I hereby certify that a true and correct copy of the foregoing document was duly served upon the following parties by United States mail, postage pre-paid at their last known addresses.

VICTOR GEMINIANI
Lawyers for Equal Justice
P. O. Box 37952
Honolulu, Hawaii 96837

PAUL ALSTON
JASON H. KIM
Alston Hunt Floyd & Ing
American Savings Bank Tower
1001 Bishop Street, 18th Floor
Honolulu, Hawaii 96813

and

Peter Obstler, *Pro Hac Vice*
Bingham McCutchen LLP
Three Embarcadero Center
San Francisco, CA 94111

and

JINNY KIM, ESQ. *Pro Hac Vice*
CLAUDIA CENTER, ESQ. *Pro Hac Vice*
Legal Aid Society-Employment Law Center
600 Harrison Street, Suite 120
San Francisco, CA 94107

Attorneys for Plaintiffs

HAZEL MCMILLON; GENE STRICKLAND;
TRUDY SABALBORO; KATHERINE VAIOLA;
and LEE SOMMERS

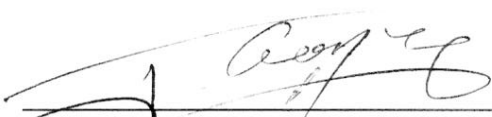
GEORGE W. PLAYDON, ESQ.
R. AARON CREPS, ESQ.
Reinwald O'Connor & Playdon
Pacific Guardian Center
Makai Tower
733 Bishop Street, 24th Floor
Honolulu, Hawaii 96813

Attorneys for Defendant
REALTY LAUA LLC

MICHAEL D. TOM, ESQ.
Tom Petrus & Miller LLLC
1164 Bishop Street, Suite 650
Honolulu, Hawaii 96813

Attorney for Third-Party Defendant
URBAN MANAGEMENT CORPORATION dba URBAN REAL
ESTATE COMPANY

DATED: Honolulu, Hawaii, June 23, 2009.



JOHN M. CREGOR

JOHN C. WONG

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Deputy Attorney General

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