

FIRST CIRCUIT COURT  
STATE OF HAWAII  
FILED

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Attorneys for Plaintiffs

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,

v.

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.

STATE OF HAWAII; HAWAII PUBLIC  
HOUSING AUTHORITY,

Third-Party Plaintiffs,

v.

) CIVIL NO. 08-1-2608-12 SSM  
) (Other Civil Action)  
)  
) **ORDER DENYING IN PART AND**  
) **GRANTING IN PART DEFENDANT**  
) **REALTY LAUA LLC'S MOTION FOR**  
) **SUMMARY JUDGMENT, FILED**  
) **JUNE 18, 2009**

)  
)  
)  
) DATE: September 1, 2009  
) TIME: 9:00 a.m.  
) JUDGE: Sabrina S. McKenna  
)  
)  
)

URBAN MANAGEMENT CORPORATION )  
 DBA URBAN REAL ESTATE COMPANY, )  
 DOES 1-20, )  
 )  
 Third-Party Defendant. )  
 \_\_\_\_\_ )

**ORDER DENYING IN PART AND GRANTING IN PART  
 DEFENDANT REALTY LAUA LLC'S MOTION FOR SUMMARY JUDGMENT,  
 FILED JUNE 18, 2009**

Defendant Realty Laua LLC's Motion for Summary Judgment, filed on June 18, 2009 ("Motion"), came for hearing before the Honorable Sabrina S. McKenna on September 1, 2009 at 9:00 a.m. Kelvin Kaneshiro appeared for Defendant Realty Laua, LLC. Michael Tom appeared for Third-Party Defendant Urban Management Corporation dba Urban Real Estate Company. Jason Kim and Victor Geminiani appeared for Plaintiffs. John Cregor appeared for Defendants and Third-Party Plaintiffs State of Hawai'i and Hawai'i Public Housing Authority.

The Court having carefully reviewed the Motion, the memorandum in opposition, the reply memorandum, and oral argument by counsel,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Motion is DENIED in part and GRANTED in part. The Motion is granted only as to Plaintiffs' claim for medical monitoring, for the reasons set forth in this Court's Order Granting in Part and Denying in Part Defendants' Motion to Dismiss Complaint for Failure to State Claims Upon Which Relief Can be Granted, or, in the Alternative, for Summary Judgment, entered May 14, 2009.

The denial of the Motion is without prejudice as to the issue of failure to exhaust administrative remedies pursuant to the management agreement between Realty Laua LLC and the Hawai'i Public Housing Authority and applicable statutes and regulations. This issue was raised for the first time in Realty Laua LLC's reply memorandum and was therefore disregarded for purposes of deciding the Motion.

DATED: Honolulu, Hawai'i, \_\_\_\_\_

SEP -9 2009

SABRINA S. MCKENNA



\_\_\_\_\_  
JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:

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\_\_\_\_\_  
KELVIN KANESHIRO  
Attorney for Defendant  
REALTY LAUA LLC

Handwritten signature of Michael Tom in black ink.

\_\_\_\_\_  
MICHAEL TOM  
Attorney for Third-Party Defendant  
URBAN MANAGEMENT CORPORATION  
dba URBAN REAL ESTATE COMPANY

Handwritten signature of John Gregor in black ink.

\_\_\_\_\_  
JOHN GREGOR  
Attorney for Defendants and  
Third-Party Plaintiffs  
STATE OF HAWAII and HAWAII  
PUBLIC HOUSING AUTHORITY

\_\_\_\_\_  
*Faletogo v. State of Hawaii*, Civil No. 08-1-2608-12 SSM; ORDER DENYING IN PART AND GRANTING IN PART DEFENDANT REALTY LAUA LLC'S MOTION FOR SUMMARY JUDGMENT, FILED JUNE 18, 2009