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Attorneys for Defendants and Third-Party
Plaintiffs

STATE OF HAWAII and
HAWAII PUBLIC HOUSING AUTHORITY

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

HAZEL MCMILLON; GENE
STRICKLAND; TRUDY
SABALBORO; KATHERINE
VAIOLA; and LEE SOMMERS, each
individually and on behalf of a class of
present and future residents of Kuhio

CIVIL NO. CV 08-00578 JMS-LEK
Civil Rights Action

STIPULATION AND ORDER RE:
PROPOSED NOTICE TO
POTENTIAL CLASS MEMBERS;
EXHIBIT "A"

Park Terrace and Kuhio Homes who
have disabilities affected by architectural
barriers and hazardous conditions,

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,

Defendants.

STATE OF HAWAII; HAWAII
PUBLIC HOUSING AUTHORITY,

Third-Party

Plaintiffs,

vs.

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

Third-Party
Defendant.

**STIPULATION AND ORDER RE: PROPOSED
NOTICE TO POTENTIAL CLASS MEMBERS**

On October 13, 2009, Plaintiff's Motion to Certify Class was heard before
the Honorable J. Michael Seabright. Appearing for the Plaintiffs was Jason H.

Kim, Esq. and Victor Geminiani, Esq. Appearing for the Defendants was John C. Cregor, Jr., Esq., John C. Wong, Esq., and Robert A. Creps, Esq. Appearing for the Third-Party Defendant was Brad S. Petrus, Esq. This Court granted the motion and ordered the parties to provide a proposed Notice to the Potential Class Members.

A proposed Notice was prepared, reviewed and agreed upon by the parties and is attached as Exhibit "A" for the Court's review and approval.

The parties have also conferred regarding the procedures for notifying class members and have agreed on the following:

Within ten (10) days of the Court's approval of the class notice, Defendants shall allow representatives of Plaintiffs' counsel reasonable access to the common areas of Kuhio Park Terrance ("KPT") and Kuhio Homes at a mutually-agreed date and time for the purpose of delivering a copy of the Class Notice attached as Exhibit "A" to class members who are current tenants of KPT and Kuhio Homes by placing a copy under the front door of each apartment.

Within ten (10) days of Court's approval of the class notice, Defendants shall cause copies of the Class Notice to be prominently posted in elevators and other common areas typically used by Defendants for posting notices for tenants of KPT and Kuhio Homes and shall leave the Class Notice posted for thirty (30) days. The

Class Notice will be posted in languages as agreed upon by the parties and as required by federal and state language access laws.

Plaintiffs will advance all costs of copying, distributing, and publishing the Class Notice. Such costs may be reimbursable to Plaintiffs pursuant to applicable law and court rules regarding recovery of attorneys' fees and costs.

DATED: Honolulu, Hawaii, November 18, 2009.

/s/ J. Cregor

JOHN M. CREGOR
Deputy Attorney General

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

/s/ M. V. Germiniani

PAUL ALSTON
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/s/ G. W. Playdon

GEORGE W. PLAYDON
R. AARON CREPS
Attorneys for Defendants

/s/ Michael D. Tom
MICHAEL D. TOM, ESQ.
Attorney for Third-Party Defendant

APPROVED AND SO ORDERED.

DATED: Honolulu, Hawaii, November 20, 2009.



/s/ J. Michael Seabright
J. Michael Seabright
United States District Judge

Hazel McMillon, et al. v. State of Hawaii, et al.; Civil No. 08-cv-00578 JMS-LEK, U. S. District Court; Stipulation and Order Re: Proposed Notice to Potential Class Members

NOTICE OF CLASS ACTION LAWSUIT

TO ALL TENANTS WITH DISABILITIES WHO HAVE BEEN DENIED ACCESS TO THE FACILITIES, PROGRAMS, SERVICES AND/OR ACTIVITIES AT KUHIO PARK TERRACE OR KUHIO HOMES OR WHO HAVE EXPERIENCED DISABILITY DISCRIMINATION.

A class action lawsuit has been brought on behalf of the following class of persons:

All present and future residents of Kuhio Park Terrace and Kuhio Homes who are eligible for public housing, who have mobility impairments or other disabling medical conditions that constitute "disabilities" or "handicaps" under federal disability nondiscrimination laws, and who are being denied access to the facilities, programs, services, and/or activities of the Defendants, and/or discriminated against, because of the architectural barriers and/or hazardous conditions described in the Complaint.

If you are a person with a disability or handicap, which is defined under law to include many medical conditions, and have been denied access to the facilities, programs, services, and/or activities at KPT or Kuhio Homes as a result of disability access barriers, or have otherwise experienced discrimination based on disability, the information contained in this notice may affect your rights.

The Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, and the Fair Housing Act Amendments require that public entities operate their programs, services and activities so that they are readily accessible to and usable by persons with disabilities. Plaintiffs claim that the State of Hawaii, Hawaii Public Housing Authority and Realty Laua LLC have failed to provide safe and accessible housing, prepare and implement evacuation plans, remedy hazardous environmental conditions, maintain safe and accessible elevators, and implement an effective system for receiving and responding to requests for accommodations. Defendants State of Hawaii, Hawaii Public Housing Authority and Realty Laua LLC denies all of the allegations made by Plaintiffs in this case, and contends that it provides disability access in full compliance with the Americans with Disabilities Act, Section 504 and the Fair Housing Act.

EXHIBIT A

The lawsuit is presently set for trial to begin in August 2010. The trial will determine whether the State of Hawaii, Hawaii Public Housing Authority and Realty Laua LLC has violated the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Amendments Act, and address the extent to which the State of Hawaii, Hawaii Public Housing Authority and Realty Laua LLC is required to make changes, if any, in order to improve access for tenants who have disabilities (known as "injunctive relief").

YOUR RIGHT TO SUE THE STATE OF HAWAII, HAWAII PUBLIC HOUSING AUTHORITY AND REALTY LAUA LLC FOR ACCESS TO FACILITIES, PROGRAMS, SERVICES, AND/OR ACTIVITIES WILL BE AFFECTED BY THE OUTCOME OF THIS TRIAL. AS A CLASS MEMBER, YOU WILL BE BOUND BY ANY JUDGMENT IN THIS CASE.

The named plaintiffs in this case are Hazel McMillon, Trudy Sabalboro, Katherine Vaiola, and Lee Sommers. This lawsuit is pending in the United States District Court for the District of Hawaii before the Honorable J. Michael Seabright, U.S. District Court Judge. The tenant class is represented by the law firms of Lawyers for Equal Justice, Alston Hunt Floyd & Ing, and the Legal Aid Society-Employment Law Center. The State of Hawaii and the Hawaii Public Housing Authority is represented by the Department of the Attorney General, State of Hawaii. Realty Laua LLC is represented in this matter by the law firm of O'Connor Playdon & Guben LLP.

No one may retaliate against you because of your decision to remain in the Class or because of your decision to participate in this lawsuit. If you suffer any retaliation because of your decision to participate, you should contact Class Counsel listed below.

If you choose to, you may enter an appearance through counsel in this matter. You also have the right to contest whether the representation provided by Lawyers for Equal Justice, Alston Hunt Floyd & Ing, and the Legal Aid Society - Employment Law Center in this case is fair and adequate. You may intervene in this case to present claims or defenses regarding the subject matter of this case, or otherwise come into the action as a party.

If you choose to do none of these things, you will be represented by Lawyers for Equal Justice, Alston Hunt Floyd & Ing, and the Legal Aid Society-Employment Law Center in this case, which is counsel to the plaintiff class.

You may contact class counsel for more information about this lawsuit, or you may consult all electronically-filed documents in the public file from the public computer terminal in the lobby of the Clerk's office of the Courthouse. Please do not contact the judge directly. Class counsel may be reached at:

Lawyers for Equal Justice
P.O. Box 37952
Honolulu, Hawaii 96837-0952

Voice: (808) 587-7605
Email: info@lejhawaii.org

Legal Aid Society-Employment Law Center
Attn: Mary Broughton
600 Harrison Street, Suite 120
San Francisco, California
Voice: (800) 864-1664
Email: mbroughton@las-elc.org

Dated: _____

Honorable J. Michael Seabright
United States District Judge

Hazel McMillon, et al. v. State of Hawaii, et al.; Civil No. 08-cv-00578 JMS-LEK,
U. S. District Court; NOTICE OF CLASS ACTION LAWSUIT.