

O'CONNOR PLAYDON & GUBEN LLP
A Limited Liability Law Partnership

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REALTY LAUA LLC

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

LEWERS FALETOGO; HAZEL)	CIVIL NO. 08-1-2608-12 (SSM)
MCMILLON; GENE STRICKLAND;)	(Other Civil Action)
TRUDY SABALBORO; and LEE)	
SOMMERS, individually and on behalf of)	DEFENDANT REALY LAUA LLC'S
a class of past, present, and future residents)	ANSWER TO DEFENDANTS STATE OF
of Kuhio Park Terrace,)	HAWAII AND HAWAII PUBLIC HOUSING
)	AUTHORITY'S CROSS-CLAIM, FILED
Plaintiffs,)	JUNE 4, 2009; CERTIFICATE OF SERVICE
)	
vs.)	
)	NO TRIAL DATE
STATE OF HAWAII; HAWAII PUBLIC)	
HOUSING AUTHORITY; REALTY)	
LAUA LLC, formerly known as R & L)	
Property Management LLC, a Hawai'i)	
limited liability company; and Does 1-20,)	
)	
Defendants.)	
)	

DEFENDANT REALY LAUA LLC'S ANSWER TO
DEFENDANTS STATE OF HAWAII AND HAWAII PUBLIC
HOUSING AUTHORITY'S CROSS-CLAIM, FILED JUNE 4, 2009

COMES NOW Defendant REALTY LAUA LLC ("Realty"), by and through its attorneys, O'Connor Playdon & Guben LLP, and for answer to Defendants STATE OF HAWAII and PUBLIC HOUSING AUTHORITY'S (collectively "HPHA")

cross-claim, filed herein on June 4, 2009 (“the Cross-Claim”), alleges and avers as follows:

FIRST DEFENSE

1. The Cross-Claim fails to state a claim against Realty, in whole or in part, upon which relief can be granted.

SECOND DEFENSE

2. With respect to the allegations contained in paragraph 1 of the Cross-Claim, Realty admits that, on or about December 18, 2008, Plaintiffs filed a Complaint herein without, however, admitting any of the allegations contained therein.

3. With respect to the allegations contained in paragraphs 2 and 3 of the Cross-Claim, Realty admits that it has entered into a contract with HPHA, which speaks for itself, and denies all allegations inconsistent with said contract.

4. Realty denies all allegations contained in paragraphs 4, 5, 6, and 7 of the Cross-Claim insofar as they pertain to Realty, but is without knowledge sufficient to form a belief as to the truth of said allegations insofar as they may pertain to any other party, and therefore denies the same and leaves HPHA to its proof.

5. Realty denies all allegations of the Cross-Claim not heretofore specifically admitted, denied or controverted.

THIRD DEFENSE

6. Realty incorporates by reference all defenses set forth in its Answer to Plaintiffs’ Complaint, as though fully set forth herein.


WHEREFORE, Realty prays as follows:

A. That the Cross-Claim filed herein be dismissed as against Realty, and that Realty be awarded its attorneys’ fees and costs;

B. That if it is determined that Realty is a joint tortfeasor or is otherwise a co-obligor with any party to this action owing any damage or relief, if any, to Plaintiffs and/or any other persons or entities who may become parties to this action, then the relative degree of fault of each joint tortfeasor or co-obligor be determined and Realty have judgment against such joint tortfeasors or co-obligors for any excess which may be paid by Realty over and above its pro rata share of any judgment or relief, if any; and

C. That this Court award Realty such other and further relief as it deems just and proper under the circumstances.

DATED: Honolulu, Hawaii, June 23, 2009.



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_____)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was duly served on the following parties on the date shown below by depositing same in the United States mail, postage prepaid, addressed as follows:

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STATE OF HAWAII and
HAWAII PUBLIC HOUSING AUTHORITY

DATED: Honolulu, Hawaii, June 23, 2009.



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