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IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAI'I

RODELLE SMITH, SHEILA TOBIAS,)
BARBARA BARAWIS, and LEWIS)
GLASER individually, and on behalf of)
all persons similarly situated,)

Plaintiffs,)

v.)

HOUSING AND COMMUNITY)
DEVELOPMENT CORPORATION OF)
HAWAI'I, a duly organized and)
recognized agency of the State of)
Hawai'i.)

Defendant.)

CIVIL NO. 04-1 0069K
(Contract)
Class Action

**PLAINTIFF'S CROSS-MOTION FOR
SUMMARY JUDGMENT
AGAINST DEFENDANT HOUSING
AND COMMUNITY
DEVELOPMENT CORPORATION
OF HAWAI'I; CERTIFICATE OF
SERVICE**

**Hearing: October 3, 2005
Time: 9:30 a.m.
Judge: Hon. Elizabeth
Strance**

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

2005 SEP 23 PM 4:01


EX OFFICIO T. WONG
CLERK

**PLAINTIFF'S CROSS-MOTION FOR SUMMARY JUDGMENT
AGAINST DEFENDANT HOUSING AND COMMUNITY
DEVELOPMENT CORPORATION OF HAWAI'I**

Pursuant to Rule 56(a), H.R.C.P., and *Flint v. MacKenzie, et al.*, 53 Haw. 672, 501 P.2d 357 (1972), and based on the pleadings filed by Defendant Housing and Community Development Corporation of Hawai'i ("HCDCH") in support of its Motion for Summary Judgment filed September 12, 2005, and in the Memorandum in Opposition filed by Plaintiffs concurrently herewith, Plaintiffs cross-move for an order granting summary judgment in their favor and against HCDCH for its violation of the Annual Contributions Contract and Rental Agreement.

There are no material facts in dispute and Plaintiffs are entitled to summary judgment as a matter of law.

DATED: HONOLULU, Hawai'i; SEPTEMBER 23, 2005.


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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was duly served on the following by depositing the same in the United States mail, postage prepaid as addressed below:

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DATED: Honolulu, Hawai'i; SEPTEMBER 23, 2005.



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