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THE CITY AND COUNTY OF HONOLULU

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Attorneys for Third-Party Defendant
HAWAIIAN PROPERTIES, LTD.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

BEVERLY BLAKE, STEPHANIE
CAMILLERI, ARLENE SUPAPO,
individually, and on behalf of all
persons similarly situated,

Plaintiffs,

vs.

CIVIL NO. CV 08-00281 LEK
(Contract) (Declaratory Judgment) (Other
Civil Actions)
Class Action

SUPPLEMENTAL MEMORANDUM IN
OPPOSITION BY DEFENDANT THE

[CAPTION CONTINUED NEXT PAGE]

CRAIG NISHIMURA, in his official capacity as Acting Director of the Department of Facility Maintenance, City and County of Honolulu; CITY AND COUNTY OF HONOLULU, a municipal corporation,

Defendants.

CITY AND COUNTY OF HONOLULU,

Third-Party Plaintiff,

vs.

HAWAIIAN PROPERTIES, LTD.,

Third-Party Defendants.

CITY AND COUNTY OF HONOLULU AND THIRD-PARTY DEFENDANT HAWAIIAN PROPERTIES, LTD. TO PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS' FEES AND COSTS

HEARING DATE: March 19, 2010
TIME: 9:30 a.m.

Judge: Hon. Leslie E. Kobayashi

SUPPLEMENTAL MEMORANDUM IN OPPOSITION BY DEFENDANT THE CITY AND COUNTY OF HONOLULU AND THIRD-PARTY DEFENDANT HAWAIIAN PROPERTIES, LTD. TO PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS' FEES AND COSTS

Defendant The City and County of Honolulu and Third-Party Defendant Hawaiian Properties, Ltd., hereby submit this supplemental memorandum to clarify the argument in its Memorandum in Opposition to Plaintiffs entitlement to attorneys' fees related to the Motion to Dismiss and Motion for Sanctions, which have been previously addressed by the Court. As to the fees assigned to the discovery and sanction issues, the City and Hawaiian Properties requests that the

Court add the amount of \$640.00 already awarded by the Court in determining the lodestar amount. We have been informed by Plaintiffs' counsel that they are not seeking a double recovery for the time billed related to those issues, and that they included the time in the fee application based on an agreement with the City and County to include this time in the final fee application rather than seeking to enforce the order awarding attorneys' fees as a discovery sanction. Based on this agreement, that portion of the order granting attorneys' fees is moot and will not serve as the basis for a fee award in addition to what this Court determines as the lodestar amount; but it remains the position of all parties that the amount already determined by the Court is the only amount that should be awarded for time billed to the discovery motion and sanction's issue.

DATED: Honolulu, Hawai'i, March 2, 2010.

CARRIE K.S. OKINAGA
Corporation Counsel

/S/ D. Scott Dodd

D. SCOTT DODD

Attorneys for Defendant and Third-Party
Plaintiff

THE CITY AND COUNTY OF
HONOLULU

LI & TSUKAZAKI,
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/S/ Matt A. Tsukazaki

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CERTIFICATE OF SERVICE

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Defendants.

CITY AND COUNTY OF HONOLULU,

Third-Party Plaintiff,

vs.

HAWAIIAN PROPERTIES, LTD.,

Third-Party Defendants.

RE: SUPPLEMENTAL MEMORANDUM IN OPPOSITION BY DEFENDANT THE CITY AND COUNTY OF HONOLULU AND THIRD-PARTY DEFENDANT HAWAIIAN PROPERTIES, LTD. TO PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS' FEES AND COSTS

HEARING DATE: March 19, 2010
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 2, 2010, a copy of foregoing documents:

- SUPPLEMENTAL MEMORANDUM IN OPPOSITION BY DEFENDANT THE CITY AND COUNTY OF HONOLULU AND THIRD-PARTY DEFENDANT HAWAIIAN PROPERTIES, LTD. TO PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS' FEES AND COSTS

was duly served upon the following individual(s) by the U.S. District Court's CM/ECF system to the foregoing persons at their last known electronic mailing

addresses and/or U.S. Mail, postage prepaid, as follows:

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/S/ Matt A. Tsukazaki

MATT A. TSUKAZAKI

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