

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

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

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,

vs.

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.

CIVIL NO. 08-1-2608-12 SSM
(Other Civil Action)

**DEFENDANTS AND THIRD-PARTY
PLAINTIFFS STATE OF HAWAII AND
HAWAII PUBLIC HOUSING
AUTHORITY'S THIRD-PARTY
COMPLAINT AGAINST THIRD-PARTY
DEFENDANT URBAN MANAGEMENT
CORPORATION DBA URBAN REAL
ESTATE COMPANY; SUMMONS;
CERTIFICATE OF SERVICE**

STATE OF HAWAII; HAWAII PUBLIC
HOUSING AUTHORITY,

Third-Party Plaintiffs,

v.

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

Third-Party Defendant.

**DEFENDANTS AND THIRD-PARTY PLAINTIFFS STATE OF HAWAII AND HAWAII
PUBLIC HOUSING AUTHORITY'S THIRD-PARTY COMPLAINT AGAINST THIRD-
PARTY DEFENDANT URBAN MANAGEMENT
CORPORATION DBA URBAN REAL ESTATE COMPANY**

Defendants and Third-Party Plaintiffs herein STATE OF HAWAII and THE HAWAII PUBLIC HOUSING AUTHORITY (hereinafter referred to as "HPHA") by and through the Attorney General of the State of Hawaii, and the deputy attorneys general listed below, for its Third-Party Complaint URBAN MANAGEMENT CORPORATION dba URBAN REAL ESTATE COMPANY, and Does 1-20 (hereinafter referred to as "URBAN"), allege and aver as follows:

1. Plaintiffs filed a Complaint against Defendants HPHA and REALTY on December 18, 2008 alleging injuries and/or damages allegedly resulting from said parties' negligence and/or violation of, among other things, 42 U.S.C. §12132, 29 U.S.C. § 794 and 42 U.S.C. §3604f(1).

2. REALTY is the managing agent for Asset Management Project 40, which consists of Kuhio Park Terrace and Kuhio Homes pursuant to a contract and supplements thereto, executed by and between HPHA and REALTY since August 1, 2008.

3. URBAN was the managing agent for Asset Management Project 40, which consists of Kuhio Park Terrace and Kuhio Homes pursuant to a contract and supplements thereto, executed by and between HPHA and REALTY prior to August 1, 2008.

4. Pursuant to terms and conditions of the contract, REALTY shall defend, indemnify and hold harmless the State of Hawaii, HPHA, the contracting agency, their officers, employees, and agents from and against all liability, loss, damage, cost and expense including all attorneys' fees, and all claims, suits and demands therefore arising out of or resulting from the acts or omissions of REALTY, REALTY'S employees, officers, agents or subcontractors under the contract.

5. If Plaintiffs sustained the injuries and/or damages as alleged in the Complaint, such injuries and/or damages were the result of the negligent, wrongful, and/or knowing conduct of URBAN and DOES 1-20 and not as a result of negligence or wrongful act or omission of HPHA.

6. If Plaintiffs are entitled to any right of recovery, such right is against URBAN and DOES 1-20 and not HPHA.

7. If the HPHA was in any way negligent, the negligent, wrongful, and/or knowing conduct of URBAN and DOES 1-20 were active and primary, whereas HPHA's conduct was only secondary and passive, and therefore, URBAN and DOES 1-20 must fully indemnify the State for any resulting damages, including Plaintiffs attorneys' fees and costs.

8. If Plaintiffs are entitled to a judgment against HPHA, HPHA is entitled to a corresponding judgment against REALTY and DOES 1-20.

WHEREFORE, HPHA prays for judgment on its Third-Party Complaint against URBAN as follows:

A. That HPHA be provided full contribution and indemnification by URBAN if any or all of Plaintiffs' claims are found against HPHA;

B. That HPHA be awarded its reasonable costs and attorneys' fees by URBAN that will be incurred through the pendency of this action until a final judgment or settlement is entered;

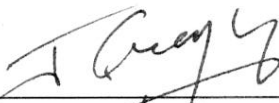
C. That if Plaintiffs are entitled to any judgment against HPHA, that said judgment be awarded against URBAN;

D. That if Plaintiffs are awarded any monetary judgment against HPHA, that HPHA have judgment against URBAN for the same monetary amount awarded to Plaintiffs;

E. That HPHA be awarded such other relief as this Court may deem just and proper.

DATED: Honolulu, Hawaii, June 4, 2009.

MARK J. BENNETT
Attorney General



~~JOHN M. CREGOR~~
~~JOHN C. WONG~~
JAROD J. BUNA
KRISLEN N. CHUN
Deputy Attorneys General

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

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

Third-Party Defendant.

CIVIL NO. 08-1-2608-12 SSM
(Other Civil Action)

SUMMONS

SUMMONS

TO: Urban Management Corporation
dba Urban Real Estate Company
50 S. Beretania Street, Suite C101
Honolulu, Hawaii 96813

You are hereby summoned and required to serve upon Mark J. Bennett, Attorney
General, Caron M. Inagaki, Diane K. Taira, John M. Cregor, John C. Wong, Jarod J. Buna, and

Krislen N. Chun, Deputy Attorneys General, attorneys for Defendants STATE OF HAWAII and HAWAII PUBLIC HOUSING AUTHORITY, whose address is 425 Queen Street, Honolulu, Hawaii 96813, an answer to the Third-Party Complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Third-Party Complaint.

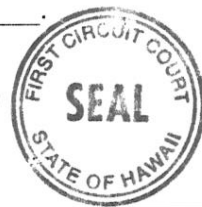
This summons shall not be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the general public, unless a judge of the above-entitled court permits, in writing on this summons, personal delivery during those hours.

A failure to obey this summons may result in an entry of default and default judgment against the disobeying person or party.

DATED: Honolulu, Hawaii, _____

JUN - 4 2009

E. ALAGAO



CLERK OF THE ABOVE-ENTITLED COURT

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CIVIL NO. 08-1-2608-12 SSM
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CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was duly served upon the following parties by United States mail, postage pre-paid at their last known addresses.

VICTOR GEMINIANI
Lawyers for Equal Justice
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PAUL ALSTON
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and

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and

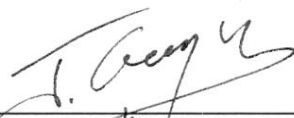
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DATED: Honolulu, Hawaii, June 4, 2009.



JOHN M. CREGOR
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