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Attorneys for Plaintiff and the Class

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAI'I

IRENE O. BRITTON, Individually and in Her
Representative Capacity, on Behalf of Herself
and all Others Similarly Situated,

Plaintiffs,

vs.

CASTLE & COOKE WAIKOLOA, LLC. a
Domestic Limited Liability Company;
CASTLE & COOKE HOMES HAWAII INC.,
a Domestic Corporation; and DOES 1-10,

Defendants.

CIVIL NO. 13-1-2277-08 GWBC
(Construction Defects)

**FINAL JUDGMENT AS TO SETTLEMENT OF
CLASS ACTION LAWSUIT**

FINAL JUDGMENT AS TO SETTLEMENT OF CLASS ACTION LAWSUIT

Pursuant to and in accordance with Hawai'i Rule of Civil Procedure 58, and with the Court being fully advised in the premises, and with good cause appearing therefore, IT IS HEREBY ORDERED, ADJUDGED, and DECREED that FINAL JUDGMENT IS ENTERED pursuant to and in accordance with the Court's October 11, 2021 Order Granting Final Approval of Settlement and the Court's October 11, 2021 Order Granting Motion for Approval of Attorney Fees, Costs, and All Other Expenses.¹

Final judgment is entered as to the settlement and release of all counts and claims of this action, including all counts and remedies claimed in the operative First Amended Class Action Complaint, filed October 23, 2013;

This class action involved allegations of deficiencies in the wind resistance design in homes built by Castle & Cooke Homes Hawaii, Inc. and Castle & Cooke Waikoloa LLC in the housing developments known as Kikaha at Wehilani and Makana Kai and Wehilani that were completed by or after August 20, 2003 and which contain the wind resistance design at issue in the lawsuit. The *Waikoloa-Wind* Settlement has been approved and is hereby implemented, including the releases set forth herein. There are no remaining *Waikoloa-Wind* Class Member Claims, defenses, or parties; and

All parties in the Lawsuit are to bear their own fees and costs except as is set forth in the *Waikoloa-Wind* Settlement, herein, and in the prior orders of this Court.

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¹ Terms not defined in this Order shall have the definitions ascribed to them in the April 28, 2021 *Waikoloa-Wind* Settlement Agreement attached as Exhibit A to the April 30, 2021 Declaration of Graham B. LippSmith in Support of Plaintiff's Motion for Preliminary Approval of Settlement, Class Certification, and Approval of Notice Plan.

This final judgment resolves all claims, counterclaims, and cross-claims by and against all parties in the above-entitled case and no claims, counterclaims, cross-claims, or parties remain. All claims, counterclaims, and cross-claims not specifically identified herein are hereby dismissed.

APPROVED AS TO FORM:


By: /s/ *Graham B. LippSmith*
MELVIN Y. AGENA
GLENN K. SATO
GRAHAM B. LIPPSMITH
CELENE CHAN ANDREWS
SHARLA MANLEY
Attorneys for Plaintiffs and the Class

DATED: September 21, 2021

By: /s/ *Lennes N. Omuro*
LENNES N. OMURO
Attorneys for Defendant

DATED: September 21, 2021

APPROVED AND SO ORDERED:

By: /s/ Gary W. B. Chang 
The Honorable Gary W.B. Chang
State of Hawai'i, First Circuit Judge

DATED: October 11, 2021

FINAL JUDGMENT AS TO SETTLEMENT OF CLASS ACTION LAWSUIT;
Irene O. Britton. vs. Castle & Cooke Waikoloa, LLC, et al., Civil No. 13-1-2277-08 GWBC