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Attorneys for Plaintiffs

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

CENTER FOR BIOLOGICAL DIVERSITY,	)	CIVIL NO.
CONSERVATION COUNCIL FOR	)	(Environmental Court)
HAWAI'I, AND KŪPA'A KUILIMA,	)	
	)	COMPLAINT FOR DECLARATORY
Plaintiffs,	)	AND INJUNCTIVE RELIEF; SUMMONS
	)	
v.	)	
	)	
DEPARTMENT OF PLANNING AND	)	
PERMITTING, CITY AND COUNTY OF	)	
HONOLULU, and HOST HOTELS &	)	
RESORTS, L.P.,	)	
	)	
Defendants.	)	
	)	

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs Center for Biological Diversity, Conservation Council for Hawai'i, and Kūpa'a Kuilima (collectively, the "Conservation Groups") complain of Defendants City and County of Honolulu Department of Planning and Permitting ("DPP") and Host Hotels & Resorts, L.P. ("Host Hotels"), as follows:

## I. INTRODUCTION

1. Kuilima on O‘ahu’s North Shore (also commonly referred to as “Turtle Bay”) is a place imbued with cultural significance for kama‘āina descendants and community residents of the area. Kuilima is also an ecological hotspot that provides haven and habitat for numerous native species.

2. In 1985, pursuant to the Hawai‘i Environmental Policy Act, Hawai‘i Revised Statutes chapter 343 (“HEPA”), the City & County of Honolulu Department of Land Utilization (DPP’s predecessor) approved an environmental impact statement (“EIS”) for expansion of the former Turtle Bay Resort to include substantial new hotel, condominium, and golf course development. After the passage of over two decades without the full build-out proposed in 1985, community groups urged DPP to require a supplemental EIS for further development of the area based on changed conditions, including the presence of native species that were not discussed in the original 1985 impact statement. DPP did not require a supplemental EIS, and the community groups brought suit in state court. That lawsuit ended up on appeal before the Hawai‘i Supreme Court.

3. In April 2010, the Supreme Court held in *Unite Here! Local 5 v. City and County of Honolulu*, 123 Hawai‘i 150, 231 P.3d 423 (2010) (“*Unite Here!*”), that HEPA required a supplemental EIS for the Turtle Bay expansion project because post-1985 “reports and studies regarding . . . monk seals[] and green sea turtles . . . clearly qualifie[d] as new information or circumstances that were not originally disclosed, not previously considered, and could have a substantial effect on the environment.” *Id.* at 179, 231 P.3d at 452 (cleaned up). In 2013, the developer prepared, and DPP approved, a supplemental EIS for the Turtle Bay expansion project (the “2013 EIS”). The 2013 EIS covered an area spanning from Kawela Bay to the west and extending to Kahuku Point and Marconi Road in the east (the “project area”).

4. Since 2013, ecological conditions in the project area have continued to evolve. In 2016, seven species of Hawaiian yellow-faced bees, including at least two that inhabit the project area, were listed as endangered under the federal Endangered Species Act (“ESA”). Since 2018, Laysan albatross have established a successful and growing nesting colony at Kahuku point. And since 2013, the National Oceanic & Atmospheric Administration (“NOAA”) has documented a steady upswing in populations of ESA-listed Hawaiian monk seals, including intensified use of the project area coast for resting and pupping activities.

5. The Turtle Bay Resort’s former owner, Blackstone Real Estate, sold much of its holdings in the project area to Host Hotels in 2024, including an area known as the “H-1” site, which is an approximately 50-acre trio of parcels situated between Kawela Bay and Kuilima Point (the location of the former Turtle Bay Resort, now rebranded as the Ritz-Carlton O‘ahu).

6. On January 8, 2026, the State of Hawai‘i Office of Planning and Sustainable Development published in *The Environmental Notice* DPP’s determination that no further environmental review would be required for development of the H-1 site and claiming that the 2013 EIS would satisfy any such requirement.

7. DPP’s determination that no supplementation of the 2013 EIS is required violates HEPA because ecological developments in the project area—including the newly-established presence of endangered bees and native seabirds and the intensified usage of the project area by endangered monk seals—constitute “new information or circumstances that were not originally disclosed, not previously considered, and could have a substantial effect on the environment.” *See Unite Here!*, 123 Hawai‘i at 179, 231 P.3d at 452.

## II. JURISDICTION AND VENUE

8. This court has jurisdiction over this matter pursuant to Hawai‘i Revised Statutes (“HRS”) §§ 343-7, 603-21.5, 603-21.9, 604A-2, HRS ch. 632, and article XI, section 9 of the Hawai‘i Constitution.

9. Venue lies in this judicial circuit under HRS § 603-36(5) because the claims for relief arose in this circuit and because it is the location where Defendant DPP is domiciled.

## III. PARTIES

### A. Plaintiffs

10. Plaintiff Center for Biological Diversity (“the Center”) is a non-profit environmental organization dedicated to preserving, protecting, and restoring biodiversity, native species, ecosystems, and public lands. The Center has over 90,000 members, including members in Hawai‘i. The Center’s Hawai‘i members include Native Hawaiians with traditional and customary cultural and subsistence rights. The Center’s members regularly use Hawai‘i’s coastal ecosystems for recreation, aesthetic enjoyment, observation, research, and other educational activities, as well as the exercise of traditional and customary cultural and subsistence rights.

11. The Center and its members regularly engage in policy advocacy, public education campaigns, and litigation to protect native species and ecosystems, including in Hawai‘i. The Center and its members are concerned with the conservation of ecosystems and imperiled species, including those that inhabit the shoreline and nearshore environment in the project area. The Center advocated in support of the 2016 ESA listing of Hawaiian yellow-faced bees and, in 2022, issued a notice of intent to sue that led to the United States Fish & Wildlife Service agreeing to designate critical habitat for the bees by 2028. The Center has worked to protect Hawaiian monk seals for decades, including through ESA litigation to protect the seals from harm caused by commercial fisheries. The Center advocated successfully in 2010 to protect

Laysan albatross chicks from lead poisoning on Midway Atoll and, in 2024, actively pursued enforcement of the Migratory Bird Treaty Act to investigate and prosecute harms to Laysan albatross at Marconi Point, which is adjacent to the project area.

12. DPP's failure to require supplementation of the 2013 EIS undermines the Center's and its members' aesthetic, educational, scientific, and cultural interests in protecting native ecosystems and imperiled species because development of the H-1 site or other portions of the project area could be allowed to commence without consideration of or plans to mitigate the significant environmental impacts that such development likely would inflict on Kuilima's native ecosystem, including the Hawaiian yellow-faced bees, Hawaiian monk seals, Laysan albatross, and other native species that inhabit the project area.

13. Plaintiff Conservation Council for Hawai'i ("CCH") is a Hawai'i-based non-profit citizens' organization with approximately 3,600 members. CCH is the Hawai'i affiliate of the National Wildlife Federation, a non-profit membership organization with approximately six million members and supporters nationwide.

14. CCH's mission is to protect native Hawaiian species and to restore native Hawaiian ecosystems for future generations. CCH and its members testify at the state legislature on bills relating to protection of the environment, testify before administrative agencies on proposed regulations relating to species and habitat conservation, communicate with Hawai'i's congressional delegation and staff, review and comment on environmental documents, support scientific studies and research, engage in field work to survey Hawai'i's natural resources, participate in service projects to protect native species and ecosystems, and prepare educational materials, including an annual wildlife poster featuring the native Hawaiian flora and fauna, and

publish a periodic newsletter (“*Kolea, News from the Conservation Council for Hawai‘i*”) discussing Hawai‘i environmental issues.

15. CCH members enjoy recreating in and studying Hawai‘i’s natural areas, including shoreline ecosystems and the wildlife that inhabit them. CCH also works actively to protect species that inhabit the project area. CCH sponsors the Hawaiian Monk Seal Preservation ‘Ohana (“HMSPO”), an organization dedicated to educating the public about the importance of protecting Hawaiian monk seals. HMSPO’s activities include a volunteer teacher corps that visits classrooms to teach youth about Hawaiian monk seals, “Talk Story” programs at conservation festivals, forums, and other community gatherings, and cultivating partnerships with other conservation organizations to bolster support for Hawaiian monk seal conservation efforts. CCH also joined co-plaintiff the Center’s 2024 efforts to enforce protections for Laysan albatross at Marconi Point.

16. CCH also participates in litigation to protect Hawai‘i’s native species and ecosystems. Directly related to this action, CCH in 2009 filed an amicus brief in *Unite Here!*, in which the Hawai‘i Supreme Court held, based on new ecological information, that supplementation of environmental review was required for the resort expansion at issue here.

17. DPP’s failure to require supplementation of the 2013 EIS impairs CCH’s and its members’ aesthetic, cultural, educational, and recreational interests in enjoying and protecting native ecosystems and imperiled species because development of the H-1 site or other portions of the project area could be allowed to commence without consideration of or plans to mitigate the significant environmental effects that such development likely would inflict on Kuilima’s native ecosystem, including the Hawaiian yellow-faced bees, Hawaiian monk seals, Laysan albatross, and other native species that inhabit the project area.

18. Plaintiff Kūpa‘a Kuilima is a non-profit community organization based in Kahuku, Hawai‘i. Kūpa‘a Kuilima advocates for community-led stewardship of Kahuku Lewa, the interconnected and culturally significant coastal lands spanning from the ahupua‘a of Waiale‘e on the west side of Kahuku Point to Keana on the east, which include the project area. Kūpa‘a Kuilima works to protect cultural sites, coastal ecosystems, ancestral burial grounds, native species, and local livelihoods. It also advocates to hold government agencies and developers accountable for fair, transparent decision making, ensuring that decisions affecting the ‘āina of Kahuku Lewa reflect the voices and values of the community and serve the community’s well-being.

19. Kūpa‘a Kuilima’s board includes Native Hawaiians with familial and cultural connections to the project area. Kūpa‘a Kuilima board members visit the coastal areas of Kuilima for recreational purposes and to exercise traditional and customary fishing, gathering, and ceremonial practices.

20. Kūpa‘a Kuilima conducts community meetings, cultural gatherings, and other educational events within the ‘ili ‘āina of Kuilima. Kūpa‘a Kuilima also participates in community gatherings and festivals in other areas of O‘ahu to educate the public about environmental and cultural issues affecting the ‘āina of Kahuku Lewa. Kūpa‘a Kuilima board members have engaged in public outreach regarding the protection of native species and ecosystems in the Kahuku area, including species threatened by development of the project area like Hawaiian yellow-faced bees, Hawaiian monk seals, and Laysan albatross.

21. Kūpa‘a Kuilima’s cultural, educational, aesthetic, and recreational interests are harmed by DPP’s failure to require supplementation of the 2013 EIS because development of the H-1 site or other portions of the project area could be allowed to commence without

consideration of or plans to mitigate the significant environmental effects that such development likely would inflict on Kuilima's native ecosystem, including the Hawaiian yellow-faced bees, Hawaiian monk seals, Laysan albatross, and other native species that inhabit the project area.

22. DPP's failure to require supplementation of the 2013 EIS and ensure adequate disclosure and analysis of potential harmful environmental and cultural impacts impairs the Conservation Groups' and their members' interests in using, enjoying, and protecting the ecological and cultural resources in Kuilima's sensitive coastal ecosystem. DPP's failure to reassess the direct and cumulative environmental impacts of construction, development, and related activities in the project area could result in irreparable harm to the environment, including harm to endangered and other native species. DPP's failure to comply with its legal obligations deprives the Conservation Groups and the general public of the information that would be provided through a properly conducted HEPA process and thus threatens destruction of native wildlife and their habitat without adequate consideration of or proposals to mitigate environmental impacts.

B. Defendants

23. Defendant DPP is the agency responsible for overseeing development on the island of O'ahu, issuing building permits for development of O'ahu, and ensuring that development and issuance of permits for development on O'ahu comply with HEPA and other applicable laws.

24. DPP was the accepting agency for the 2013 EIS and is the agency which issued the determination in January 2026 that supplementation of the 2013 EIS is not required.

25. Under article XI, section 1 of the Hawai'i Constitution, DPP has public trust duties to conserve and protect all natural resources for present and future generations.



26. Under article XII, section 7 of the Hawai‘i Constitution, DPP is obligated to protect traditional and customary Native Hawaiian rights “to the extent feasible.” *Ka Pa‘akai o ka ‘Āina v. Land Use Comm’n*, 94 Hawai‘i 31, 35, 7 P.3d 1068, 1072 (2000).

27. Defendant Host Hotels is a corporation organized under the laws of the State of Delaware and doing business in the State of Hawai‘i. The Conservation Groups are informed and believe, and on the basis thereof allege, that Host Hotels is the owner and prospective developer of the H-1 site. Host Hotels is named solely as a necessary party for relief. *See* Haw. R. Civ. P. 19.

#### IV. LEGAL FRAMEWORK

28. HEPA is the cornerstone of the state’s statutory environmental protections. Its fundamental purpose is to ensure that state and county agencies fully and publicly examine the environmental impacts of certain actions before those actions proceed.

29. Whenever an applicant proposes an action that requires agency approval and “may have a significant effect on the environment,” the approving agency must require that the applicant prepare an EIS. HRS § 343-5(e). Acceptance of a valid EIS is a “condition precedent to . . . commencement of the proposed action. *Id.*

30. An EIS must “disclose[] the environmental effects of a proposed action” and propose “measures . . . to minimize adverse effects,” as well as propose “alternatives to the action and their environmental effects.” *Id.* § 343-2.

31. In disclosing environmental effects, an EIS must, “at a minimum,” “fully declare the environmental implications of the proposed action and . . . discuss all reasonably foreseeable consequences of the action.” HAR § 11-200.1-27(a).

32. An EIS is “qualified by the size, scope, location, intensity, use, and timing of the action, among other things.” *Id.* § 11-200.1-30(a). Whenever there is “any change in any of these

characteristics which may have a significant effect,” including any “individual or cumulative impacts not originally disclosed,” the original EIS “shall no longer be valid” and a supplemental EIS “shall be prepared and reviewed.” *Id.*

33. An EIS must be supplemented “whenever the proposed action for which an EIS was accepted has been modified to the extent that new or different environmental impacts are anticipated” or “where new circumstances or evidence have brought to light different or likely increased environmental impacts not previously dealt with.” *Id.* § 11-200.1-30(b) .

34. The supplemental EIS “shall fully document the proposed changes from the original EIS, including changes in ambient conditions or available information that have a bearing on a proposed action or its impacts” and “the positive and negative aspects of these changes.” *Id.* § 11-200.1-30(c).

35. Supplementing environmental review serves HEPA’s fundamental purpose to “ensure that environmental concerns are given appropriate consideration in decision making.” HRS § 343-1.

## V. BACKGROUND FACTS

### A. The Hawai‘i Supreme Court’s ruling in *Unite Here!* and the 2013 EIS

36. In 1985, the former owner of the project area prepared an EIS for the proposed expansion of its Kuilima Resort at Turtle Bay, which included new construction of three hotels and over 2,000 condominium units. The City and County of Honolulu Department of Land Utilization (DPP’s predecessor) accepted the original EIS on October 30, 1985.

37. Between 1985 and 2005, only some aspects of the project, including the addition of nine condominium units, were completed. None of the remaining condominium units or new hotels were constructed.

38. During that 20-year interval, the environmental setting of the project area changed significantly. Endangered Hawaiian monk seals and threatened green sea turtles increasingly inhabited the area and began to give birth on beaches within the project area.

39. In November 2005, the project area's owner submitted to DPP a subdivision application seeking to restart the proposed resort expansion.

40. A coalition of advocacy groups filed a lawsuit against the City & County, the DPP Director, and the project area's owner seeking to require preparation of an EIS and to enjoin construction until the EIS was completed. The circuit court ruled against the plaintiffs, the Intermediate Court of Appeals affirmed, and the Hawai'i Supreme Court granted certiorari.

41. On April 8, 2010, the Supreme Court issued its opinion in *Unite Here!*, holding that the 1985 EIS was no longer valid and that a supplemental EIS was required. 123 Hawai'i at 181, 231 P.3d at 454.

42. The Supreme Court determined that the plaintiffs had presented new evidence demonstrating an increased presence of Hawaiian monk seals and green sea turtles within the project area "that was not considered at the time the 1985 EIS was prepared and could likely have a significant impact on the environment." *Id.* at 179, 231 P.3d at 452.

43. Based on the new circumstances, including the increased presence of species not originally disclosed in the 1985 EIS, the Supreme Court held that the proposed expansion constituted an "essentially different action" and that a supplemental EIS "should have been prepared and reviewed." *Id.* (cleaned up).

44. In 2013, then-owner Turtle Bay Resort, LLC prepared, and DPP accepted, the 2013 EIS. The 2013 EIS proposed development of two new hotels, totaling 625 units, 590 new resort-residential units, and 160 community housing units.

45. The 2013 EIS included proposed plans for the H-1 site, with a projected total of 375 new units at the H-1 site alone.

46. The 2013 EIS related that estimates of Hawaiian monk seal populations had increased over the preceding decade but noted only three documented seal births in the area over the same period.

47. The 2013 EIS stated that there had been no formal documentation of turtle nest hatchings at the project shoreline but acknowledged a 50-percent increase in green sea turtle population observed in the surrounding nearshore waters as compared to the early 1990s.

B. Changed circumstances in the project area since 2013

48. Since 2013, ecological circumstances in the project area have evolved significantly. Notable changes include the listing under the ESA of Hawaiian yellow-faced bees inhabiting the project area, the recent establishment of a Laysan albatross breeding colony in the project area, and the increased presence and pupping of Hawaiian monk seals.

49. Hawaiian yellow-faced bees (*Hylaeus spp.*), also known as nalo meli maoli, are a genus of bees native to Hawai'i that occur on all of the main Hawaiian Islands and on the island of Nihoa. Hawaiian yellow-faced bees are small, solitary bees that have adapted to a wide array of habitat types ranging from coastal strand areas like those found in Kuilima to high elevation wet forests. They nest in hollow stems, holes in trees, under bark, in crevices, coral rubble, or in burrows in soil.

50. Hawaiian yellow-faced bees have experienced significant range reduction over the last 100 years. All species of bees within the genus are highly susceptible to habitat loss, reduction, and alteration.

51. In 2016, seven species of Hawaiian yellow-faced bees were listed as endangered under the ESA, including *Hylaeus anthracinus*, *H. assimulans*, *H. facilis*, *H. hilaris*, *H. kuakea*, *H. longiceps*, and *H. mana*.

52. Two species of endangered Hawaiian yellow-faced bees (*H. anthracinus* and *H. longiceps*) have been documented inhabiting the coastal strand habitat in Kuilima, including in the project area. These endangered species have been documented foraging among the Tree Heliotrope and Beach Naupaka along the Kuilima coast and are also known to forage among other coastal plants such as Sea Purslane, Polynesian Heliotrope, and ‘Akoko.

53. Because of their small size and tendency to nest in dry branches or coral rubble, development activities and even routine landscape maintenance are likely to cause irreparable harm to Hawaiian yellow-faced bees and their habitat.

54. Because Hawaiian yellow-faced bees were not listed as endangered until 2016, the 2013 EIS includes no discussion of Hawaiian yellow-faced bees or potential impacts to the species and its habitat.

55. Laysan albatross (*Phoebastria immutabilis*), also known as mōlī, are large seabirds that nest in the Northwestern Hawaiian Islands and on the islands of O‘ahu, Kaua‘i, and Lehua (off Ni‘ihau). Laysan albatross are protected under the federal Migratory Bird Treaty Act and are designated as “Near Threatened” on the International Union for the Conservation of Nature’s “Red List.”

56. After decades of unsuccessful nesting attempts, a new Laysan albatross breeding site was formed by natural colonization at Kahuku Point, which is within the project area, due in part to a conservation easement established by a partnership of conservation and land trust organizations, the U.S. Fish & Wildlife Service, and the former Turtle Bay Resort.

57. In 2017, one nesting pair of Laysan albatross was reported at Kahuku Point, and in 2018, four nesting pairs of Laysan albatross were reported. With the implementation of predator-control efforts in 2019, the nesting colony has steadily grown.

58. In 2023, there were 17 nesting pairs of Laysan albatross at Kahuku Point, and up to 17 eggs are laid annually at the site. The breeding colony's potential for expansion is limited only by the amount of terrain that can be reclaimed from invasive vegetation and protected from predators or other sources of harm. The Conservation Groups are informed and believe, and on the basis thereof allege, that Laysan albatross have begun to nest westward of Kahuku Point as their colony continues to grow.

59. Because the nesting colony was not established until 2018, the 2013 EIS includes no discussion of Laysan albatross or potential impacts to the species and its habitat.

60. The Hawaiian monk seal (*Neomonachus schauinslandi*), also known as 'Īlio holoikaua'ua, is a critically endangered species that has been listed under the ESA since 1976. Even after listing, populations of Hawaiian monk seal continued to decline until 2013. Since 2013, NOAA has documented a 2% annual growth in populations across the Hawaiian monk seal's range.

61. Due to this steady growth in population, the Conservation Groups are informed and believe, and on the basis thereof allege, that Hawaiian monk seal resting and pupping activities have increased significantly in the project area.

62. In 2015, NOAA designated critical habitat for Hawaiian monk seal to include areas in the Main Hawaiian Islands from the 200-meter depth contour line offshore to 5 meters inland of the upper reaches of the wash of waves at high tide.

63. Because Hawaiian monk seal populations have increased significantly since 2013, and because critical habitat was not designated until 2015, the 2013 EIS does not discuss or analyze the full range of potential impacts to Hawaiian monk seals and their habitat.

C. DPP's determination

64. On January 8, 2026, the State Office of Planning and Sustainable Development published in *The Environmental Notice* DPP's determination that "no further environmental review . . . will be required" for development of the H-1 site. DPP's determination claims that "the current proposal . . . [i]s anticipated to have direct, indirect, and cumulative impacts similar to those analyzed within the range of alternatives in the [2013 EIS]." DPP's determination makes no mention of the changed ecological circumstances in the project area. DPP provided no prior notice of its determination to the public and affected community members and no opportunity to provide input or feedback.

CLAIM FOR RELIEF

(Violation of HEPA)

1. The Conservation Groups reallege and incorporate herein by reference each and every allegation contained in the preceding paragraphs of this complaint.

2. DPP's failure to require supplementation of the 2013 EIS violates HEPA's requirement under Haw. Admin. R. § 11-200.1-30 for supplementation of environmental review to address "individual or cumulative impacts not originally disclosed" and "new circumstances or evidence" of likely environmental impacts that were "not previously dealt with." New circumstances not in existence at the time the 2013 EIS was accepted, which were not discussed in the 2013 EIS, and which therefore require supplementation of the 2013 EIS, include at minimum:

- a. The 2016 ESA listing of Hawaiian yellow-faced bees, including two species known to inhabit the coastal strand habitat fronting the project area;
  - b. The establishment since 2018 of a new Laysan albatross nesting colony at Kahuku Point, which is within the project area; and
  - c. The increased presence and pupping activities of endangered Hawaiian monk seals throughout the project area, and the 2015 designation of critical habitat for Hawaiian monk seals, which includes the nearshore and coastal regions fronting the project area.
3. An actual controversy exists between the Conservation Groups and Defendants concerning DPP's failure to require supplementation of the 2013 EIS. The controversy between the Conservation Groups and Defendants extends to the validity of the 2013 EIS absent legally adequate supplementation of environmental review to address new and changed environmental circumstances not discussed in the 2013 EIS, and Defendants' ability to proceed with issuing permits for development of the H-1 site, or any other developments within the project area, in light of these deficiencies.

#### PRAYER FOR RELIEF

WHEREFORE, the Conservation Groups respectfully ask:

- A. That this Court issue a declaratory judgment that:
  - (1) The 2013 EIS is no longer valid due to changes in environmental characteristics within the project area;
  - (2) Supplementation of the 2013 EIS is required under HRS § 343-5 and HAR § 11-200-1-30 to disclose and address "new circumstances or evidence . . . not previously dealt with";



(3) DPP's failure to require supplementation of the 2013 EIS violates HEPA;  
and

(4) DPP's determination that supplementation of the 2013 EIS is not required  
is invalid, illegal, null, and void;

B. That this Court issue appropriate injunctive relief, including, but not limited to, a  
prohibitory injunction that enjoins any permitting for construction or development on the H-1  
site or any other development within the project area unless and until legally adequate  
environmental review has been completed;

C. That this Court retain continuing jurisdiction to review Defendants' compliance  
with all judgments and orders entered herein;

D. For such additional judicial determinations and orders as may be necessary to  
effectuate the foregoing;

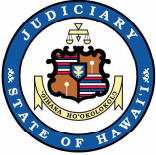

E. For the cost of the suit herein, including reasonable expert witness and attorneys'  
fees; and

F. For such other and further relief as the Court may deem just and proper to  
effectuate a complete resolution of the legal disputes between the Conservation Groups and  
Defendants.

DATED: Honolulu, Hawai'i, February 3, 2026.

/s/ Dru N. Hara  
ISAAC H. MORIWAKE  
MAHESH CLEVELAND  
DRU N. HARA  
EARTHJUSTICE

Attorneys for Plaintiffs  
Center for Biological Diversity, Conservation  
Council for Hawai'i, and Kūpa'a Kuilima

<b>STATE OF HAWAI'I</b> <b>CIRCUIT COURT OF THE</b> <b>FIRST CIRCUIT</b>	<b>SUMMONS</b> <b>TO ANSWER CIVIL COMPLAINT</b>	CASE NUMBER
<b>PLAINTIFF</b>  CENTER FOR BIOLOGICAL DIVERSITY, CONSERVATION COUNCIL FOR HAWAI'I, AND KŪPA'A KUILIMA	VS.	<b>DEFENDANT(S)</b>  DEPARTMENT OF PLANNING AND PERMITTING, CITY AND COUNTY OF HONOLULU, and HOST HOTELS & RESORTS, L.P.
<b>PLAINTIFF'S NAME &amp; ADDRESS, TEL. NO.</b>  ISAAC H. MORIWAKE MAHESH CLEVELAND DRU N. HARA EARTHJUSTICE 850 Richards Street, Suite 400 Honolulu, HI 96813 (808) 599-2436		
<p><b>TO THE ABOVE-NAMED DEFENDANT(S)</b></p> <p>You are hereby summoned and required to file with the court and serve upon</p> <p>ISAAC H. MORIWAKE, MAHESH CLEVELAND, and DRU N. HARA  EARTHJUSTICE</p> <hr/> <p>plaintiff's attorney, whose address is stated above, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.</p> <p><b>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.</b></p> <p><b>A FAILURE TO OBEY THIS SUMMONS MAY RESULT IN AN ENTRY OF DEFAULT AND DEFAULT JUDGMENT AGAINST THE DISOBEYING PERSON OR PARTY.</b></p>		
The original document is filed in the Judiciary's electronic case management system which is accessible via eCourt Kokua at: <a href="http://www.courts.state.hi.us">http://www.courts.state.hi.us</a>	<p><b>Effective Date of 28-Oct-2019</b>  <b>Signed by: /s/ Patsy Nakamoto</b>  <b>Clerk, 1st Circuit, State of Hawai'i</b></p> 	
 <p>In accordance with the Americans with Disabilities Act, and other applicable state and federal laws, if you require a reasonable accommodation for a disability, please contact the ADA Coordinator at the Circuit Court Administration Office on OAHU- Phone No. 808-539-4400, TTY 808-539-4853, FAX 539-4402, at least ten (10) working days prior to your hearing or appointment date.</p>		