

Of Counsel:
CASE LOMBARDI & PETTIT, ALC
JOHN D. ZALEWSKI 4718
JANA M. NARUSE 8966
Pacific Guardian Center, Mauka Tower
737 Bishop Street, Suite 2600
Honolulu, Hawai'i 96813
Phone: (808) 547-5400
Fax: (808) 523-1888
Email: jdz@caselombardi.com
Email: mjc@caselombardi.com

Attorneys for Defendant
DISCOVERY HARBOUR COMMUNITY ASSOCIATION

CLERK P. AUSTIN

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FILED
CIRCUIT COURT OF
THE THIRD CIRCUIT
STATE OF HAWAII

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAI'I

SOUTH POINT INVESTMENT GROUP,
LLC, a Hawaii limited liability company,

Plaintiff,

vs.

DISCOVERY HARBOUR COMMUNITY
ASSOCIATION, a Hawaii nonprofit
association,

Defendant.

CIVIL NO.: 16-1-0195
(Declaratory Judgment)

**DEFENDANT DISCOVERY HARBOUR
COMMUNITY ASSOCIATION'S
MOTION FOR SUMMARY JUDGMENT;
MEMORANDUM IN SUPPORT OF
MOTION; DECLARATION OF COUNSEL;
DECLARATION OF EVELYN I. EKLUND;
EXHIBITS A-I; CERTIFICATE OF
SERVICE**

Hearing: September 27, 2017
Time: 8:30 am
Judge: The Hon. Harry P.N. Freitas

Trial: Not set

**DEFENDANT DISCOVERY HARBOUR COMMUNITY
ASSOCIATION'S MOTION FOR SUMMARY JUDGMENT**

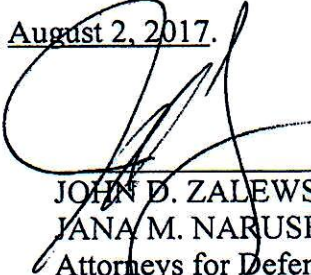
COMES NOW, Defendant DISCOVERY HARBOUR COMMUNITY ASSOCIATION,
a Hawai'i nonprofit corporation and planned community association ("DHCA"), by and through
its attorneys, CASE LOMBARDI & PETTIT, and respectfully requests that this Honorable
Court, as follows:

1. GRANT summary judgment in favor of DHCA and against Plaintiff SOUTH POINT INVESTMENT GROUP, LLC ("SPIG") on all claims asserted in SPIG's Complaint for Declaratory Judgment and Injunctive Relief filed herein on May 25, 2016 (the "Complaint"), Exhibit A hereto; and

2. DISMISS the Complaint with prejudice.

This Motion is brought pursuant to HRCF Rules 7 and 56, HRCC Rule 7, the attached Memorandum in Support of Motion, the attached Declarations, the attached Exhibits, the records and files in this action, and any information adduced at the hearing on this Motion.

DATED: Honolulu, Hawaii, August 2, 2017.



JOHN D. ZALEWSKI
JANA M. NARUSE
Attorneys for Defendant
DISCOVERY HARBOUR
COMMUNITY ASSOCIATION

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**MEMORANDUM IN
SUPPORT OF MOTION**