

US EPA ARCHIVE DOCUMENT

FIFTH CIRCUIT COURT  
STATE OF HAWAII  
FILED

2004 DEC 22 AM 11:27

Of Counsel:  
FUKUNAGA MATAYOSHI HERSHEY & CHING LLP

WESLEY H. H. CHING 2896-0  
BONITA Y.M. CHANG 7262-0  
841 Bishop Street  
1200 Davies Pacific Center  
Honolulu, Hawai'i 96813  
Telephone: (808) 533-4300

DANETTE FUJII  
CLERK

ALSTON HUNT FLOYD & ING

PAUL ALSTON 1126-0  
WILLIAM M. TAM 1887-0  
DOUGLAS A. CODIGA 6261-0  
18th Floor, Pacific Tower  
1001 Bishop Street  
Honolulu, Hawai'i 96813  
Telephone: (808) 524-1800

BELLES GRAHAM PROUDFOOT & WILSON

MAX W.J. GRAHAM, JR. 926-0  
4334 Rice Street, Suite 202  
Lihu'e, Kaua'i, Hawai'i 96766  
Telephone: (808) 246-6962

Attorneys for Defendants  
JAMES PFLUEGER,  
PFLUEGER PROPERTIES, and  
PILA'A 400, LLC

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT

STATE OF HAWAII

COUNTY OF KAUA'I, a municipal corporation	)	CIVIL NO. 02-1-0160
	)	(Other Civil Action)
	)	
Plaintiff,	)	STIPULATION BETWEEN THE COUNTY
	)	OF KAUAI AND JAMES H. PFLUEGER,
vs.	)	PFLUEGER PROPERTIES, AND PILA'A
	)	400, LLC FOR DISMISSAL WITH
JAMES H. PFLUEGER, individually;	)	PREJUDICE AS TO ALL CLAIMS AND

PFLUEGER PROPERTIES, a Hawai'i ) ALL PARTIES  
 Limited Partnership; PILA'A 400, LLC; and )  
 DOE ENTITIES 1 through 50, )  
 )  
 Defendants. )  
 \_\_\_\_\_ ) (No trial date set.)

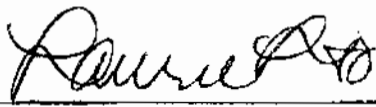
**STIPULATION BETWEEN THE COUNTY OF KAUAI AND JAMES H. PFLUEGER,  
 PFLUEGER PROPERTIES, AND PILA'A 400, LLC FOR DISMISSAL WITH PREJUDICE AS  
TO ALL CLAIMS AND ALL PARTIES**

Pursuant to Rule 41(a)(1)(B) of the Hawaii Rules of Civil Procedure, it is hereby stipulated by and between the parties, Plaintiff County of Kauai ("County") by its Deputy County Attorney, Laurel K.S. Loo, and Defendants James H. Pflueger, Pflueger Properties, and Pila'a, 400, LLC (collectively "Pila'a"), by their respective attorney, Wesley H.H. Ching, Esq., that all claims are hereby dismissed with prejudice, each party to bear its own attorney's fees and costs.

Pursuant to the Settlement Agreement entered between the County and Pila'a, the Court shall retain jurisdiction of Civil No. 02-01-0160 solely for approval of the "Pila'a 400 Remediation Plan - Package 2". There are no remaining parties or issues in this action aside from the Court's retention of jurisdiction of Civil No. 02-01-0160 solely for approval of the "Pila'a 400 Remediation Plan - Package 2".

There was no trial date set for this matter.

DATED: Honolulu, Hawaii, Revised Dec 17, 2004

  
 \_\_\_\_\_  
 LAUREL K. S. LOO  
 Attorney for Plaintiff  
 COUNTY OF KAUAI

*Wesley H. H. Ching*

WESLEY H. H. CHING  
Attorney for Defendants  
JAMES H. PFLUEGER, PFLUEGER  
PROPERTIES, and PILA'A 400, LLC

-----  
*COUNTY OF KAUA'I, a municipal corporation v. JAMES H. PFLUEGER, individually; PFLUEGER PROPERTIES, a Hawai'i Limited Partnership; PILA'A 400, LLC, CIVIL NO. 02-1-0160, Fifth Circuit Court, State of Hawai'i; STIPULATION BETWEEN THE COUNTY OF KAUAI AND JAMES H. PFLUEGER, PFLUEGER PROPERTIES, AND PILA'A 400, LLC FOR DISMISSAL WITH PREJUDICE AS TO ALL CLAIMS AND ALL PARTIES*