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ISLAND COLONY PARTNERS and  
AMERICAN PACIFIC HOTELS LLC

FIRST CIRCUIT COURT  
STATE OF HAWAII  
FILED

2016 OCT 17 PM 3:21

N. MIYATA  
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT  
STATE OF HAWAII

ASSOCIATION OF APARTMENT  
OWNERS OF ISLAND COLONY, by and  
through its Board of Directors,

Plaintiff,

vs.

ISLAND COLONY PARTNERS;  
AMERICAN PACIFIC HOTELS, LLC;  
JOHN DOES 1-10; JANE DOES 1-10;  
DOE CORPORATIONS 1-10; DOE  
PARTNERSHIPS 1-10; DOE ENTITIES  
1-10; AND DOE GOVERNMENTAL  
UNITS 1-10,

Defendants.

CIVIL NO. 13-1-1847-07 ECN  
(Declaratory Judgment)

(Consolidated)

ORDER GRANTING

(1) DEFENDANTS ISLAND COLONY  
PARTNERS AND AMERICAN  
PACIFIC HOTELS LLC'S MOTION  
FOR SUMMARY JUDGMENT AS TO  
ALL COUNTS OF THE COMPLAINT  
RELATED TO THE LEASE RULE,  
(FILED AUGUST 23, 2016); AND

(2) JOINDER BY COUNTERCLAIM  
PLAINTIFFS ISLAND COLONY  
PARTNERS AND AMERICAN  
PACIFIC HOTELS LLC AND  
PLAINTIFF ISLAND COLONY  
PARTNERS, (in Civil No. 13-1-1961-07)  
(FILED SEPTEMBER 27, 2016)

ISLAND COLONY PARTNERS,  
Plaintiff,

vs.

SHUTO SALES & MGMT., LLC;  
HAWAIIAN PARADISE RETREATS  
LLC; AND SUZANNE SHUTO,  
Defendants.

CIVIL NO. 13-1-1961-07  
(Other Civil Action)

Hearing:  
Date: October 5, 2016  
Time: 9:00 a.m.  
Judge: Hon. Edwin C. Nacino

**ORDER GRANTING (1) DEFENDANTS ISLAND COLONY PARTNERS AND AMERICAN PACIFIC HOTELS LLC'S MOTION FOR SUMMARY JUDGMENT AS TO ALL COUNTS OF THE COMPLAINT RELATED TO THE LEASE RULE, (FILED AUGUST 23, 2016); AND (2) JOINDER BY COUNTERCLAIM PLAINTIFFS ISLAND COLONY PARTNERS AND AMERICAN PACIFIC HOTELS LLC AND PLAINTIFF ISLAND COLONY PARTNERS, (in Civil No. 13-1-1961-07) (FILED SEPTEMBER 27, 2016)**

Defendants Island Colony Partners and American Pacific Hotels, LLC's Motion For Summary Judgment As To All Counts Of The Complaint Related To The Lease Rule, (filed August 23, 2016), and Counterclaim Plaintiffs Island Colony Partners And American Pacific Hotels LLC And Plaintiff Island Colony Partners, (in Civil No. 13-1-1961-07) Joinder In Defendants Island Colony Partners And American Pacific Hotels, LLC's Motion For Summary Judgment As To All Counts Of The Complaint Related To The Lease Rule, (filed September 27, 2016), came on for hearing on October 5, 2016 before the Honorable Edwin C. Nacino. Christian Porter appeared on behalf of Plaintiff Association of Apartment Owners of Island Colony ("AOAO"). Lennes N.

Omuro appeared on behalf of Defendants Island Colony Partners and American Pacific Hotels LLC. Matthew C. Shannon appeared on behalf of Counterclaim Plaintiffs Island Colony Partners and American Pacific Hotels LLC and also Plaintiff Island Colony Partners in Civil No. 13-1-1961-07 ECN. Matt A. Tsukazaki appeared on behalf of Shuto Sales & Mgmt., LLC, Hawaiian Paradise Retreats LLC, and Suzanne A. Shuto (collectively the “Shuto Parties”), Defendants in Civil No. 13-1-1961-07 ECN.

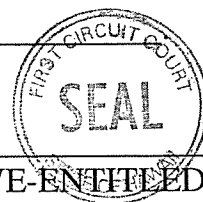
The Court having heard the argument of counsel, having reviewed and considered the motion, the memoranda in support of the motion, the memoranda in opposition to the motion, the reply memoranda in support of the motion, joinder, all declarations and exhibits thereto, and the record and file of the case,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

Defendants Island Colony Partners and American Pacific Hotels, LLC’s Motion For Summary Judgment As To All Counts Of The Complaint Related To The Lease Rule, (filed August 23, 2016) is granted.

DATED: Honolulu, Hawaii, OCT 17 2016

EDWIN C. NACINO



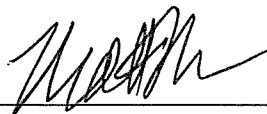
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JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:



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BRYSON R. CHOW, ESQ.  
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ASSOCIATION OF APARTMENT  
OWNERS OF ISLAND COLONY



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in Civil No. 13-1-1847-07 ECN  
ISLAND COLONY PARTNERS and  
AMERICAN PACIFIC HOTELS, LLC  
and Plaintiff in Civil No. 13-1-1961-07  
ISLAND COLONY PARTNERS



MATT A. TSUKAZAKI  
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SHUTO SALES & MGMT., LLC,  
HAWAIIAN PARADISE RETREATS  
LLC and SUZANNE SHUTO

*Association of Apartment Owners of Island Colony v. Island Colony Partners, et al.*,  
Civil No. 13-1-1847-07 ECN; *Island Colony Partners v. Shuto Sales & Mgmt., LLC,*  
*et al.*, Civil No. 13-1-1961-07 ECN, (Consolidated) Circuit Court of the First Circuit,  
State of Hawaii, **ORDER GRANTING (1) DEFENDANTS ISLAND COLONY  
PARTNERS AND AMERICAN PACIFIC HOTELS LLC'S MOTION FOR  
SUMMARY JUDGMENT AS TO ALL COUNTS OF THE COMPLAINT  
RELATED TO THE LEASE RULE, (FILED AUGUST 23, 2016); AND (2)  
JOINER BY COUNTERCLAIM PLAINTIFFS ISLAND COLONY  
PARTNERS AND AMERICAN PACIFIC HOTELS LLC AND PLAINTIFF  
ISLAND COLONY PARTNERS, (in Civil No. 13-1-1961-07) (FILED  
SEPTEMBER 27, 2016)**