



### **III. THE LITIGATION**

This Class Action was filed on November 10, 2004, and involves a Class of Persons who purchased roofs from Interlock Industries, Inc.

Plaintiffs Sharon Abe, Rocky M. Sugino, Susan Sugino, and Ulysses Guillermo have brought this action individually and on behalf of all other class members similarly situated. Plaintiffs allege that Defendant Interlock Industries, Inc., marketed and sold roofs to Hawaii consumers claiming the roofs were accompanied by a lifetime warranty, non-prorated and transferable for fifty years. Plaintiffs further allege that providing a “lifetime warranty, non-prorated and transferable for fifty years” required Defendant Interlock Industries to provide a bond and evidence of a bond under HRS § 444-25.7. Plaintiffs allege that Defendant Interlock Industries’ failure to provide this bond has resulted in damage to the Class members including, *inter alia*, imposition of costs relating to any repair or replacement work to the roofs. Plaintiffs contend that this constitutes unfair and deceptive trade practice under HRS § 480-1. Plaintiffs, on behalf of the Class, seek general damages, special damages, disgorgement, trebled or triple damages, reimbursement of costs and expenses, including attorneys’ fees, injunctive relief (prohibition from the ongoing practices), and further additional relief as the court deems appropriate and just.

The Defendants have generally denied these claims. To date, the Court has made no ruling of any kind as to the validity of any of these claims.

### **IV. REMAINING IN OR EXCLUDING YOURSELF FROM THE CLASS**

#### **a. Remaining in the Class**

**You do not need to do anything to remain in the Class.** You will be notified as the case progresses. You will not be required to pay anything if you remain the Class, but you will be legally bound by all proceedings, orders, and judgments entered in the Class Action, whether favorably or unfavorably. You will be represented by the named Plaintiffs and their attorneys for purposes of the Class Action, whom the Court has deemed appropriate. You must remain in the Class in order to receive any benefits obtained in the Class Action, unless you enter a separate appearance as set out in section IV(c) below.

#### **b. Opting Out**

You may choose to “opt out” and not be a Class Member. If you opt out, you will not be bound by any orders or judgments in the Class Action, and you will not be eligible for any benefits that might be obtained in the Class Action by settlement or trial. You must opt out to exclude yourself from the Class Action. If you opt out, you will be free to pursue whatever legal rights you believe you may have against the Defendants at your own expense.

If you wish to opt out and not participate in the Class Action, please send written notice of your intent to Plaintiffs’ counsel at the address set forth below. A request to opt out and be

excluded from the Class must contain your: (1) legal name(s), (2) address(es), (3) telephone number, (4) a statement setting forth that you wish to be excluded from the Class, and (5) your signature(s).

In order to be effective, any request to opt out must be sent to Plaintiffs' counsel at the address set forth below and be postmarked by \_\_\_\_\_. Failure to opt out in this manner and by this deadline will result in your automatic inclusion in the Class, the details of which are set forth in Section IV(a).

c. Right to Participate in the Class Action Individually

You may choose to remain in the Class and enter an individual appearance at your own expense. If you do so, you must file an appropriate motion with the Circuit Court of the First Circuit, State of Hawaii before the Honorable Karen S. S. Ahn, Kaahumanu Hale, 777 Punchbowl Street, Honolulu, Hawaii 96813. Copies of motions should be served on (1) Plaintiffs' counsel at the addresses outlined below, (2) counsel for Interlock Industries, Inc., and Ivor Wenzel, through Lyle S. Hosoda, 345 Queen St., #804, Honolulu, Hawaii 96813, and (3) counsel for Mark Wenzel through Christian P. Porter, 841 Bishop Street, Suite 2125, Honolulu, Hawaii 96813.

**V. PLAINTIFFS AND THEIR COUNSEL**

The Court has appointed Plaintiffs Sharon Abe, Rocky M. Sugino, Susan Sugino, and Ulysses Guillermo and their counsel to act on behalf of the Class and determined that the chosen counsel is appropriate to pursue this action on behalf of the Class.

Counsel for Plaintiffs can be contacted at the following addresses or electronically as provided:

JOHN FRANCIS PERKIN  
BRANDEE J.K. FARIA  
Suite 2000, Davies Pacific Center  
841 Bishop Street  
Honolulu, Hawaii 96813  
[Info@perkinlaw.com](mailto:Info@perkinlaw.com)

JAMES J. BICKERTON  
Bickerton Saunders & Dang  
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745 Fort Street, Topa Financial Center  
Honolulu, Hawaii 96813  
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GEORGE W. ASHFORD, JR.  
Ashford & Associates  
1050 Auloa Road  
Kailua, Hawaii 96734

This Notice does not fully describe all of the claims and contentions of the parties, but is intended only as a summary thereof. You may contact Plaintiffs' counsel as set forth above or visit counsel's website at [www.perkinlaw.com](http://www.perkinlaw.com) if you have further questions. If you want to be

kept informed of progress on the case by email, please contact Plaintiffs' counsel and provide them an email address so that they can keep you informed of the progress of the Class Action. **Again, if you received this Notice and want to remain a class member, you need do nothing further at this point.** Certain pleadings and other documents filed in this lawsuit are also available for inspection and/or copying during normal business hours at the Circuit Court of the First Circuit, State of Hawaii, 777 Punchbowl Street, Honolulu, Hawaii 96813.

**Please do not call the Court or the Court Clerk's office to inquire about the status of this Class Action.**

Dated: Honolulu, Hawaii, \_\_\_\_\_, 2005.

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BY ORDER OF THE CIRCUIT OF THE  
FIRST CIRCUIT, STATE OF HAWAII  
THE HONORABLE KAREN S.S. AHN