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Attorneys for Defendant
HILTON HAWAIIAN VILLAGE, LLC

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

ARYN NAKAOKA, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

HILTON HAWAIIAN VILLAGE, LLC, d.b.a.
HILTON HAWAIIAN VILLAGE BEACH
RESORT AND SPA; and DOE DEFENDANT
1-50,

Defendant.

CIVIL NO. 08-1-2512-12 VLC
(Class Action)

DEFENDANT HILTON HAWAIIAN
VILLAGE, LLC'S NOTICE OF APPEAL
FROM 1) ORDER GRANTING
PLAINTIFFS' MOTION FOR APPROVAL
OF ATTORNEYS' FEES AND COSTS
AND THE CLASS REPRESENTATIVE
STIPEND, FILED JUNE 1, 2011, 2) FINAL
JUDGMENT, FILED JUNE 2, 2011, 3)
ORDER GRANTING PLAINTIFFS'
MOTION FOR SUMMARY JUDGMENT,
FILED JULY 7, 2011, 4) ORDER
DENYING DEFENDANT'S MOTION
FOR NEW TRIAL, FILED JULY 14, 2011
AND 5) ORDER DENYING
DEFENDANT'S RENEWED MOTION
FOR JUDGMENT AS A MATTER OF
LAW, FILED JULY 14, 2011; EXHIBITS
"A" - "E"; CERTIFICATE OF SERVICE

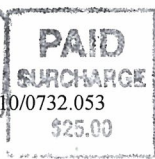
Trial Date: February 1, 2011

1ST CIRCUIT COURT
STATE OF HAWAII
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Intermediate Court of Appeals
CAAP-11-0000613
12-AUG-2011
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J. KUBO
CLERK



DEFENDANT HILTON HAWAIIAN VILLAGE, LLC'S NOTICE OF APPEAL FROM 1) ORDER GRANTING PLAINTIFFS' MOTION FOR APPROVAL OF ATTORNEYS' FEES AND COSTS AND THE CLASS REPRESENTATIVE STIPEND, FILED JUNE 1, 2011, 2) FINAL JUDGMENT, FILED JUNE 2, 2011, 3) ORDER GRANTING PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT, FILED JULY 7, 2011, 4) ORDER DENYING DEFENDANT'S MOTION FOR NEW TRIAL, FILED JULY 14, 2011 AND 5) ORDER DENYING DEFENDANT'S RENEWED MOTION FOR JUDGMENT AS A MATTER OF LAW, FILED JULY 14, 2011

Notice is hereby given that Defendant Hilton Hawaiian Village ("Hilton"), by and through its attorneys, Marr Jones & Wang, LLLP, appeals to the Intermediate Court of Appeals of the State of Hawaii from Defendant Hilton Hawaiian Village, LLC's Notice Of Appeal from 1) Order Granting Plaintiffs' Motion For Approval Of Attorneys' Fees And Costs And The Class Representative Stipend, filed June 1, 2011, 2) Final Judgment, filed June 2, 2011, 3) Order Granting Plaintiffs' Motion For Summary Judgment, filed July 7, 2011, 4) Order Denying Defendant's Motion For New Trial, filed July 14, 2011 and 5) Order Denying Defendant's Renewed Motion For Judgment As A Matter Of Law, filed July 14, 2011, which are attached hereto as Exhibits "A" through "E", respectively.

This appeal is brought pursuant to Hawaii Revised Statutes § 641-1(a), and Rules 3 and 4(a) of the Hawaii Rules of Appellate Procedure.

DATED: Honolulu, Hawaii, August 12, 2011.



BARRY W. MARR
RICHARD M. RAND

Attorneys for Defendant
HILTON HAWAIIAN VILLAGE, LLC

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

2011 JUN -1 AM 8:36

F. OTAKE
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Attorneys for Plaintiff ARYN NAKAOKA,
individually and on behalf of a class of similarly
situated persons.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

ARYN NAKAOKA, individually and on behalf of
a Class of Similarly Situated Persons,

Plaintiff,

vs.

HILTON HAWAIIAN VILLAGE, LLC, d.b.a.
HILTON HAWAIIAN VILLAGE BEACH
RESORT AND SPA; and DOE DEFENDANT
1-50,

Defendant.

CIVIL NO. 08-1-2512-12 VLC
(Class Action)

ORDER GRANTING PLAINTIFFS'
MOTION FOR APPROVAL OF
ATTORNEYS' FEES AND COSTS AND THE
CLASS REPRESENTATIVE STIPEND;
EXHIBITS "A" AND "B"

Non-Hearing Motion

Trial Date: January 24, 2011
Judge: Honorable Virginia L. Crandall

ORDER GRANTING PLAINTIFFS' MOTION FOR APPROVAL OF ATTORNEYS'
FEES AND COSTS AND THE CLASS REPRESENTATIVE STIPEND

PLEASE NOTE CHANGES

JUN 01 2011

EXHIBIT A

10:49am

Plaintiffs' *Motion For Approval Of Attorneys' Fees And Costs And The Class Representative Stipend* ("Motion"), having originally been scheduled for hearing before the Honorable Virginia Lea Crandall on March 30, 2011, and thereafter with the Court having converted the instant Motion into a non-hearing motion under Rule 8 of the Rules of the Circuit Court State of Hawaii, with a telephonic status conference being had on March 30, 2011, at which counsel Richard Rand, Esq. appeared on behalf of Defendant Hilton Hawaiian Village, LLC, and Brandee J.K. Faria, Esq. John Perkin, Esq. and James J. Bickerton, Esq. appeared on behalf of Plaintiff Aryn Nakaoka, individually and on behalf of all others similarly situated, and no objections were made to the Court's conversion of the Motion into a non-hearing motion.

The Court having reviewed all the memoranda, declarations and exhibits submitted and being fully appraised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiffs' *Motion* is GRANTED. The Court awards Plaintiffs, pursuant to HRS §480-13(a) and (c), reasonable attorneys' fees in the total amount of \$330,593.45 and General Excise Tax (G.E.T.) of \$15,577.56 on the fees awarded, as well as costs, pursuant to the Court's Supplemental Minute Order of May 3, 2011 in the amount of \$16,003.71. The fees awarded are a lodestar amount of \$300,539.50, reduced from those fees requested as set forth in Exhibits "A" and "B" attached hereto, plus a multiplier upward adjustment of 10%. In determining the hourly rate to be approved and the multiplier the Court considered the factors set forth in Rule 1.5 of the Hawaii Rules of Professional Conduct and in Kerr v. Screen Extras Guild, 526 F. 2d 67 (9th Cir. 1975). The total award of fees, G.E.T., and costs is ~~\$362,442.61~~ ^{\$362,174.72}.

The Court also approves the payment of a \$4,000 class representative stipend to be paid from the jury verdict and in no way increasing the verdict returned.

JULY 31 2011

DATED: Honolulu, Hawaii _____

VIRGINIA LEA CRANDALL

SEAL

THE HONORABLE VIRGINIA L. CRANDALL
JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:

~~REFUSED TO SIGN~~

RICHARD RAND
MELANIE MITO MAY

Attorneys for Defendant
HILTON HAWAIIAN VILLAGE, LLC

Aryn Nakaoka v. Hilton Hawaiian Village, LLC; Civil No.: 08-1-2512-12 (VLC); Order Granting Plaintiffs' Motion for Approval Of Attorneys' Fees And Costs And The Class Representative Stip

Civ. No. 08-1-2512 Nakaoka et al. v. Hilton Hawaiian Village:
 Plaintiffs' Motion for Approval of Attorneys' Fees and Costs and the Class Representative Stipend

	A		B		C		D		E		F		G	
			Hourly Rate	Hours Requested	Amount Requested (per Reply filed 3/24/11)	Hourly Rate Approved	Hours Approved	Amount Approved						
1	FEES													
2	Atty / Paralegal / Legal Asst.		450	184.37	\$82,965.00	400	175.53	\$70,212.00						
3	John F. Perkin (JFP)		325	501.07	\$162,846.67	300	467.87	\$140,361.00						
4	Brandee J.K. Faria (BJK)		195		\$2,847.00	175	95.16	\$16,653.00						
5	Sofia Hironone (SH)		155	23.5	\$3,642.50	115	23.5	\$2,702.50						
6	Steve Chang (SC)		115	27.3	\$3,139.50	115	27.3	\$3,139.50						
7	Sandra P. Haskell (SH1)		155	10.2	\$1,581.00	115	7.8	\$897.00						
8	Adriant Buck (AB)		115	8.8	\$1,012.00	115	6.7	\$770.50						
9	Michelle Nettrour (MN)			755.24	\$258,033.67		803.86	\$234,735.50						
10	Total Fees for Perkin & Faria													
11														
12	James J. Bickerton (JJB)		395	123.5	\$46,782.50	360	117.2	\$42,192.00						
13	George W. Ashford Jr. (GWA)		250	50.7	\$12,675.00	250	50.7	\$12,675.00						
14	Nona Lawrence (NL)		145	39.6	\$5,742.00	145	39.6	\$5,742.00						
15	Snow-White Iokia (SI)		45	21.2	\$954.00	45	21.2	\$954.00						
16	LP		115	12	\$1,380.00	115	12	\$1,380.00						
17	S		45	0.2	\$9.00	45	0.2	\$9.00						
18	BE		115	24.8	\$2,852.00	115	24.8	\$2,852.00						
19	Total Fees for Bickerton Lee Dang & Sullivan			272	\$72,394.50		265.7	\$65,804.00						
20	TOTAL FEES LODESTAR													
21	TOTAL FEES WITH 10% MULTIPLIER													
22	COSTS													
23														
24	Amount Requested													
25	Amount Approved													
26	Total Costs for Perkin & Faria		\$8,910.65	\$8,910.65										
27	Total Costs for Bickerton Lee Dang & Sullivan		\$8,195.56	\$7,370.95										

Civ. No. 08-1-2512 Nakaoka et al. v. Hilton Hawaiian Village:
Plaintiffs' Motion for Approval of Attorneys' Fees and Costs and the Class Representative Stipend

Cell: D3

Comment: First Circuit Court:

Court includes amount requested per Declaration of Ms. Faria, but notes that the mathematical computation for Mr. Perkin and Ms. Faria is incorrect. Mr. Perkin should be $\$450 \times 184.37 = \$82,966.50$ and Ms. Faria should be $\$325 \times 501.07 = \$162,847.75$.

Cell: G5

Comment: First Circuit Court:

Per Exhibit 2 to Plaintiffs' Reply filed 3/24/11, the total requested time for Ms. Hiroseone appears to be 14.6 hours ($\$2,847 / \$195 = 14.6$). However, per page 5 of the Reply, the Court reduced the total amount of time requested for Ms. Hiroseone in the Motion (109.76 hours) by 14.6 hours.

Cell: C25

Comment: First Circuit Court:

Costs for Perkin & Faria are approved subject to the filing of a supplemental declaration specifying the cost incurred on 8/20/10.

Cell: C26

Comment: First Circuit Court:

Costs for Bickerton Lee Dang & Sullivan: cost for mediation ($\$824.61$) is denied; all other costs are approved subject to the filing of a supplemental declaration regarding what the unlabeled transcript fee relates to.

Civ. No. 08-1-2512 Nakaoka et al. v. Hilton Hawaiian Village:
Plaintiffs' Motion for Approval of Attorneys' Fees and Costs and the Class Representative Stipend

Date	Given Description	Reason for Deduction / Adjustment	Hrs Req.	Amt. Req.	Hrs Appr'd	Amt Appr'd
3/25/2010	AB Review documents recently produced, located missing documents; review documents to determine additional interrogatories and / or additional document requests	Same time entry in Civ. No. 08-1-2496 -- Defendant's Exhibit B	1.10	\$170.50	0	\$0.00
8/12/2010	AB Locate service charge provisions in various CBAs	Same time entry in Civ. No. 08-1-2496 -- Defendant's Exhibit B	1.30	\$201.50	0	\$0.00
12/9/2008	BJF Review correspondence from Bickerton re Answer; review correspondence from J. Bickerton. re research; review correspondence from J. Bickerton re split service workers and management	Same time entry in Civ. No. 08-1-2496 -- Defendant's Exhibit B; Answer filed on 12/29/08	0.30	\$97.50	0.2	\$65.00
8/5/2009	BJF Prepare for and attend meet and confer with R. Rand in preparation of Pretrial Statement	Double entry	1.20	\$390.00	0	\$0.00
8/6/2009	BJF Review Rule 12 (Q) Order of Dismissal; Review email correspondence from J. Bickerton re Motion to Set Aside Dismissal	Order of Dismissal filed on 9/4/09	1.80	\$585.00	0	\$0.00
6/4/2010	BJF Research and draft Final Naming of Witnesses	Final Naming of Witnesses filed on 5/10/10	1.80	\$585.00	0	\$0.00
6/7/2010	BJF Research and draft Final Naming of Witnesses	Final Naming of Witnesses filed on 5/10/10	1.20	\$390.00	0	\$0.00
6/28/2010	BJF	No description provided	4.40	\$1,430.00	0	\$0.00
8/12/2010	BJF Research and draft Reply to Defendant's Opposition to Plaintiff's Motion for Summary Judgment	Reply filed 8/11/10	2.90	\$942.50	0	\$0.00
10/11/2010	BJF Review Defendant's Motion for Summary Judgment re: Statute of Limitations; draft and review email responses from co-counsel x5 re same; review Defendant's Opposition to Plaintiff's Motion for Class Certification and begin research drafting Reply to same.	Reply filed 9/23/10	2.80	\$910.00	1.8	\$585.00
2/10/2011	BJF Research and draft fee application; finalize time sheets to remove duplicate entries; research and draft section re to class representative stipend	Request is for 25 hours for 2/10/11	25.00	\$8,125.00	10	\$3,250.00

Civ. No. 08-1-2512 Nakaoka et al. v. Hilton Hawaiian Village:
 Plaintiffs' Motion for Approval of Attorneys' Fees and Costs and the Class Representative Stipend

2/23/2011	BJF	Draft jury instructions; draft special verdict form; draft proposed introductory statement for the jury; review defendant's oppositions to plaintiffs' motion in limine ⁴ ; research rebuttal re same; further discussions concerning stipulated exhibits and modifications thereto	Verdict received 2/3/11	3.80	\$1,235.00	0	\$0.00
8/6/2010	JFP	Research and draft Memo in Opposition to Defendant's Motion to Compel Arbitration	Double entry	2.40	\$1,080.00	0	\$0.00
8/9/2010	JFP	Research and draft Memo in Opposition to Defendant's Motion to Compel Arbitration	Double entry	2.90	\$1,305.00	0	\$0.00
1/3/2011	JFP	Draft email to R. Rand re settlement; review email from J. Bickerton re same	Double entry	0.20	\$90.00	0	\$0.00
1/5/2011	JFP	Meet with J. Bickerton and B. Farla re task assignments relating to trial review email from R. Rand re settlement; review email from B. Farla re Review and conference with B. Farla re Order granting defendant's MSJ and damages	Double entry	1.50	\$675.00	0	\$0.00
1/11/2011	JFP	Conference with co-counsel concerning trial prep, motion in limine, jury instruction, witnesses, etc.	Triple entry	1.34	\$600.00	0	\$0.00
1/12/2011	JFP	Changes to draft of Motion for Class Certification; prepare Declaration of J. Kawakami re same; correspondence with client re same	Double entry	0.50	\$225.00	0	\$0.00
6/12/2009	MN	Prepare for and attend motions in limine hearings	Not for Civ. No. 08-1-2512	2.10	\$241.50	0	\$0.00
1/31/2011	JJB	Review all motions in limine and oppositions; review introductory statements; prepare for oral arguments of MILs; legal research re Weinberg case, federal cases on advising the jury of trebling and Courbat case; conference with JFP re preparation for argument; travel to and from court and conduct pretrial conference and MIL argument; conference with co-counsel re Section 480-12 cases (Hiraga and 808 cases); review statement of jurisdiction on appeal and need for response; review statute 658A-28 and court rule re statement of jurisdiction	Double entry	1.50	\$592.50	0	\$0.00
1/31/2011	JJB		Double entry	4.80	\$1,896.00	0	\$0.00
TOTAL				64.84	\$21,767.00	12	\$3,900.00

FIRST CIRCUIT COURT
STATE OF HAWAII
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2011 JUN -2 AM 8:19

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Attorneys for Plaintiff ARYN NAKAOKA,
individually and on behalf of a class of similarly
situated persons.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

ARYN NAKAOKA, individually and on behalf of
a Class of Similarly Situated Persons,

Plaintiff,

vs.

HILTON HAWAIIAN VILLAGE, L.L.C, d.b.a.
HILTON HAWAIIAN VILLAGE BEACH
RESORT AND SPA; and DOE DEFENDANT
1-50,

Defendant.

CIVIL NO. 08-1-2512-12 V.L.C
(Class Action)

FINAL JUDGMENT

Judge: Honorable Virginia L. Crandall
Trial Date: January 24, 2011

FINAL JUDGMENT

Pursuant to the Verdict returned by the jury and placed on the record on February 3, 2011,
in the amount of \$112,478.44, and pursuant to HRS §480-13(a)(1), Final Judgment is hereby

PLEASE NOTE CHANGES

EXHIBIT B

JUN 02 2011

10:47am

entered in favor of the Plaintiff Class and against the Defendant HILTON HAWAIIAN VILLAGE, I.L.C, d.b.a. HILTON HAWAIIAN VILLAGE BEACH RESORT AND SPA in the amount of \$337,435.32, together with the previously awarded reasonable attorneys' fees, General Excise Tax on said fees, and costs in the amount of ~~\$362,442.61~~ ^{\$362,174.72}, for a total Final Judgment against Defendant in the amount of ~~\$699,877.93~~ ^{\$699,610.04}.

This Final Judgment resolves all claims as to all issues between the parties in this action.

There is no just reason for delay and, upon filing, final judgment shall be final and appealable. Any and all remaining claims, if any, are dismissed with prejudice.

DATED: Honolulu, Hawaii

JULY 31 2011

VIRGINIA LEA CRANDALL

SEAL

THE HONORABLE VIRGINIA L. CRANDALL
JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:

~~REFUSED TO SIGN~~

RICHARD RAND
MELANIE MITO MAY

Attorneys for Defendant
HILTON HAWAIIAN VILLAGE, LLC

Richard Pearl
1003 Bishop St, #1500

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

2011 JUL -7 AM 8:39

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H. CHING
CLERK

AND

BICKERTON LEE DANG & SULLIVAN

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Attorneys for Plaintiff ARYN NAKAOKA,
individually and on behalf of a class of similarly
situated persons.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

ARYN NAKAOKA, individually and on
behalf of a class of similarly situated persons,

Plaintiff,

vs.

HILTON HAWAIIAN VILLAGE, LLC, d.b.a.
HILTON HAWAIIAN VILLAGE BEACH
RESORT AND SPA; and DOE DEFENDANT
1-50,

Defendant.

CIVIL NO. 08-1-2512-120 VLC (Class
Action)

ORDER GRANTING PLAINTIFFS'
MOTION FOR SUMMARY JUDGMENT

Hearing:

Date: December 21, 2010

Time: 10:30 a.m.

Judge: Hon. Virginia Crandall

Trial Date: January 24, 2011

Honorable Virginia L. Crandall

ORDER GRANTING PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Plaintiff's Motion for Summary Judgment ("Motion"), having originally come on for
hearing on October 26, 2010 before the Honorable Rhonda A. Nishimura, with Brandee J.K.

EXHIBIT C

JUL 13 2011

10:08am

Faria, Esq. appearing on behalf of Plaintiff Aryn Nakaoka, individually and on behalf of all others similarly situated ("Plaintiff Class") and Richard Rand, Esq. appearing on behalf of Defendant Hilton Hawaiian Village, LLC, d.b.a. Hilton Hawaiian Village Beach Resort And Spa ("Defendant"), and the Motion was continued to December 21, 2010, at 10:30 a.m. before the Honorable Virginia Crandall with John Perkin appearing on behalf of Plaintiff Aryn Nakaoka, individually and on behalf of all others similarly situated and Richard Rand, Esq. appearing on behalf of Defendant Hilton Hawaiian Village, LLC,

The Court having reviewed all the memoranda, declarations and exhibits submitted and having heard and considered the arguments of counsel, and being fully apprised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that *Plaintiffs' Motion for Summary Judgment* is GRANTED insofar as the disclosure used by Defendant prior to January 1, 2008, is adjudged to have violated Hawaii Revised Statutes §481B-14, and thus Hawaii Revised Statutes §480-2 with regard to the service charge collected from the Plaintiff Class, with the issues of injury and damages, if any, reserved for the trial hereof.

DATED: Honolulu, JUL 16 2011

VIRGINIA LEA CRANDALL

SEAL

THE HONORABLE VIRGINIA CRANDALL
JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:



RICHARD RAND

Attorney for Defendant
HILTON HAWAIIAN VILLAGE, LLC

2011 JUL 14 AM 8:17

PERKIN & FARIA

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H. CHING
CLERK

Attorneys for Plaintiff ARYN NAKAOKA,
individually and on behalf of a class of similarly
situated persons.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

ARYN NAKAOKA, individually and on behalf of
a Class of Similarly Situated Persons,

Plaintiff,

vs.

HILTON HAWAIIAN VILLAGE, LLC, d.b.a.
HILTON HAWAIIAN VILLAGE BEACH
RESORT AND SPA; and DOE DEFENDANT
1-50,

Defendant.

CIVIL NO. 08-1-2512-12 VLC
(Class Action)

ORDER DENYING DEFENDANT'S
MOTION FOR NEW TRIAL

Hearing Date: July 6, 2011

Hearing Time: 8:30 AM

Trial Date: January 24, 2011

Judge: Honorable Virginia L. Crandall

ORDER DENYING DEFENDANT'S MOTION FOR NEW TRIAL

Defendant's *Motion For New Trial* ("Motion"), having been heard before the Honorable Virginia Lea Crandall on July 6, 2011, at which counsel Richard Rand, Esq. appeared on behalf of Defendant Hilton Hawaiian Village, LLC, and Brandee J.K. Faria, Esq. and John Perkin, Esq. appeared on behalf of Plaintiff Aryn Nakaoka, individually and on behalf of all others similarly situated.

The Court having reviewed all the memoranda, declarations and exhibits submitted and being fully appraised in the premises, IT IS HEREBY ORDERED, ADJUDGED AND

EXHIBIT D

JUL 14 2011

10:43 am

DECREED that for the reasons stated on the record by the Court at the hearing, which reasons are adopted and incorporated herein by reference that Defendants' *Motion* is hereby DENIED.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii JUL 13 2011

VIRGINIA LEA CRANDALL



THE HONORABLE VIRGINIA L. CRANDALL
JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:

A handwritten signature in cursive script.

RICHARD RAND

Attorneys for Defendant
HILTON HAWAIIAN VILLAGE, LLC

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

2011 JUL 14 AM 8:17

PERKIN & FARIA

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H. CHING
CLERK

Attorneys for Plaintiff ARYN NAKAOKA,
individually and on behalf of a class of similarly
situated persons.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

ARYN NAKAOKA, individually and on behalf of
a Class of Similarly Situated Persons,

Plaintiff,

vs.

HILTON HAWAIIAN VILLAGE, LLC, d.b.a.
HILTON HAWAIIAN VILLAGE BEACH
RESORT AND SPA; and DOE DEFENDANT
1-50,

Defendant.

CIVIL NO. 08-1-2512-12 VLC
(Class Action)

ORDER DENYING DEFENDANT'S
RENEWED MOTION FOR JUDGMENT AS
A MATTER OF LAW

Hearing Date: July 6, 2011
Hearing Time: 8:30 AM

Trial Date: January 24, 2011
Judge: Honorable Virginia L. Crandall

**ORDER DENYING DEFENDANT'S RENEWED
MOTION FOR JUDGMENT AS A MATTER OF LAW**

Defendant's *Renewed Motion For Judgment As A Matter of Law* ("Motion"), having been heard before the Honorable Virginia Lea Crandall on July 6, 2011, at which counsel Richard Rand, Esq. appeared on behalf of Defendant Hilton Hawaiian Village, LLC, and Brandee J.K. Faria, Esq. and John Perkin, Esq. appeared on behalf of Plaintiff Aryn Nakaoka, individually and on behalf of all others similarly situated.

The Court having reviewed all the memoranda, declarations and exhibits submitted and being fully appraised in the premises, IT IS HEREBY ORDERED, ADJUDGED AND

EXHIBIT E


JUL 14 2011

10:43am

DECREED that for the reasons stated on the record by the Court at the hearing, which reasons are adopted and incorporated herein by reference that Defendants' *Motion* is hereby DENIED.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii JUL 13 2011

VIRGINIA LEA CRANDALL 
THE HONORABLE VIRGINIA L. CRANDALL
JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:


RICHARD RAND

Attorneys for Defendant
HILTON HAWAIIAN VILLAGE, LLC

Aryn Nakaoka v. Hilton Hawaiian Village, LLC; Civil No.: 08-1-2512-12 (VLC); *Order Denying Defendant's Renewed Motion For Judgment As A Matter of Law*

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

ARYN NAKAOKA, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

HILTON HAWAIIAN VILLAGE, LLC, d.b.a.
HILTON HAWAIIAN VILLAGE BEACH
RESORT AND SPA; and DOE DEFENDANT
1-50,

Defendant.

CIVIL NO. 08-1-2512-12 RAN
(Class Action)

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 12, 2011, the following document was duly served upon the following by depositing the same in the United States mail, first class postage prepaid, addressed as follows:

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