

NO. CAAP-14-0001184

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

KAHUKU PLANTATION RESIDENTS ASSOCIATION, ALLAN TEJADA,  
RAMONA TEJADA, STELLA L. MULIVAI, GUY R. EUGENIO,  
LYNN MAINAAUPO-EUGENIO, SIMPLICIO CABAN, LENORA G. CABAN,  
MILTON P. CAULFORD, CONNIE L. CAULFORD,  
JEFFERY S. COMPOC, ROBERTA B. CONLEY, JOHN W. ERRETT,  
KAYE A. KROEHLER, JANET FULTON, MARY KAINA, DWAYNE KAINA,  
GLEN MAGAHONY, DENISE A. MONIZ, RANASHA MONIZ, ALAN K. NAGATA,  
ROGELIO PANAG, LETICIA PANAG, ALBERT PAO, ANTHONY PICKARD,  
LAURA L.J. PICKARD, CRISTETA RECTA, RUBY M. RECTA,  
JAZZAREAH REYNON, RYAN FERNANDEZ, KEAWE RILLAMAS,  
DANA SHIGEMITSU, DONNA SHLACTHER, ANGEL A. ADVERSALO,  
KENNETH W. TAIPIN, NOELANI P. TAIPIN, JERRY TUBAL,  
TRAVIS LEIMOMI TUBAL, DON GRAYCOCHEA, SUZETTE GRAYCOCHEA,  
EDUVEJES A. MANDAC, R. MOLIA SALANOA, COLINDA M. SALANOA,  
MICHAEL LAGUA, LYNNE LAGUA, SHYROME PAHIA, ROBERT S. TROTTER,  
SHIRDY BARNHART, AND SHEILA A. BARNHART,  
Plaintiffs-Appellants,

v.

WILLIAM AILA, personally, as State Historical Preservation  
Officer, also as Chairman of Board of Land and Natural  
Resources and Director of Department of Land and Natural  
Resources; DEPARTMENT OF LAND AND NATURAL RESOURCES;  
BOARD OF LAND AND NATURAL RESOURCES; STATE HISTORICAL  
PRESERVATION DIVISION; PUA AIU, Past Director of State  
Historical Preservation Division and in her capacity as  
review archeologist AIS for Honolulu Authority Rapid Transit;  
DEONA NABOA; personally, and as Archeologist, State Historical  
Preservation Division; KAWIKA FARM, personally, Reburial  
Specialist, State Historical Preservation Division;  
OFFICE OF THE ATTORNEY GENERAL; WILLIAM WYNHOFF, Deputy  
Attorney General; GOVERNOR NEIL ABERCOMBIE; CITY AND COUNTY OF  
HONOLULU DEPARTMENT OF PLANNING AND PERMITTING;  
GEORGE I. ATTA, personally and in his capacity as Director  
Designate of City and County of Department of Planning and  
Permitting; DAVID TANOE, former Director of the Department  
of Planning and Permitting; JIRO A. SUMADA, past acting  
director of the Department of Planning and Permitting;  
MAYOR KIRK CALDWELL, personally and as Mayor;  
CONTINENTAL PACIFIC, LLC; REYNOLDS HENDERSON, personally and

as principal of Continental Pacific, LLC;  
JEREMY HENDERSON, as official part owner of Continental Pacific, LLC; JERE HENDERSON; past president of Continental Pacific and/or principal; J. BARRON STROTHER, Manager of Continental Pacific, LLC; HEATHER KOCH, attorney for Continental Pacific, LLC; LEX R. SMITH, personally and as attorney for Continental Pacific, LLC; LEX SMITH PROFIT SHARING SUB TRUST FUND; CYNTHIA NOJIMA; KOBAYASHI SUGITA AND GODA LLP, law firm representing CONTINENTAL PACIFIC, LLC; JOHANSEN CONTRACTING, INC.; JOSEPH JOHANSEN, personally and as President and Operations Manager of Johansen Contracting, Inc.; ELITE PACIFIC PROPERTIES, LLC, officers and agents; REX MATSUO, personally and as agent for Elite Pacific Properties, LLC; KAHUKU VILLAGE ASSOCIATION; BOARD OF KAHUKU VILLAGE ASSOCIATION; JAMES CAMIT, personally and as Board member and as agent for Kahuku Village Association and agent for Continental Pacific, LLC; DEBORAH SARSONA, personally and as agent for Kahuku Village Association; NOREEN CRISTOBAL, personally and as Board President and as agent for Kahuku Village Association; MOTOOKA & YAMAMOTO, law firm representing and Kahuku Village Association, Defendants-Appellees,  
and  
JOHN DOES AND JANE ROES 1-20; DOE CORPORATIONS, PARTNERSHIPS, OR COMPANIES OR LAW FIRMS, 1-20; and DOE MUNICIPAL GOVERNMENTAL AGENCIES 1-10,  
Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 13-1-2936)

SUMMARY DISPOSITION ORDER

(By: Nakamura, C.J., Foley and Fujise, JJ.)

Plaintiffs-Appellants appeal from a September 19, 2014 "Order Striking Plaintiff's First Amended Verified Complaint For Temporary Restraining Orders, Declaratory and Injunctive Relief and Damages, Filed 9/15/14," entered in the Circuit Court of the First Circuit<sup>1</sup> (**circuit court**).

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties, as well as the relevant statutory and case law, we conclude this appeal is without merit.

Final Judgment was entered in this case on May 19, 2014. Plaintiffs-Appellants filed a "First Amended Verified

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<sup>1</sup> The Honorable Karen T. Nakasone presided.

Complaint For Temporary Restraining Orders, Declaratory and Injunctive Relief and Damages; Demand For Jury Trial" on September 15, 2014, which was struck by the circuit court on September 19, 2014 because a final judgment dismissing the case had been filed four months earlier.

Hawai'i Rules of Civil Procedure Rule 15 does not authorize the amendment of a complaint after final judgment in a case has been entered. See Jarvis v. Regan, 833 F.2d 149, 155 (9<sup>th</sup> Cir. 1987) ("Where a final judgment is entered following dismissal of an action, the plaintiff no longer has a right to amend the complaint as a matter of course.").

Therefore,

IT IS HEREBY ORDERED that the September 19, 2014 "Order Striking Plaintiff's First Amended Verified Complaint For Temporary Restraining Orders, Declaratory and Injunctive Relief and Damages, Filed 9/15/14," entered in the Circuit Court of the First Circuit is affirmed.

DATED: Honolulu, Hawai'i, August 17, 2015.

On the briefs:

Anthony P. Locricchio  
for Plaintiffs-Appellants.

Chief Judge

Lex R. Smith  
Jesse W. Schiel  
(Kobayashi, Sugita & Goda)  
for Defendants-Appellees  
Continental Pacific, LLC;  
Reynolds Henderson; Jeremy  
Henderson; Jere Henderson; J.  
Barron Strother; Johansen  
Contracting, Inc.; and Joseph  
Johansen.

Associate Judge

Associate Judge