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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

JOHN PUPUHI BAKER, JR., individually
and as Trustee of The Revocable Trust of John
Pupuhi Baker, Jr., *et al.*,

Plaintiffs,

vs.

CASTLE & COOKE HOMES HAWAI'I,
INC., a Hawai'i Corporation; JOHN and
JANE DOES 1-100; DOE PARTNERSHIPS
1-100; DOE CORPORATIONS 1-100; DOE
GOVERNMENTAL AGENCIES 1-100; and
DOE ASSOCIATIONS 1-100,

Defendants.

CIVIL NO. 11-1-1524-07 JPC
(Construction Defects)

**STIPULATION TO EXTEND
DEADLINES RE: SETTLEMENT
ADMINISTRATION; PROPOSED
ORDER GRANTING STIPULATION TO
EXTEND DEADLINES RE:
SETTLEMENT**

Judge: The Hon. Jeffrey P. Crabtree

Trial: None set

STIPULATION TO EXTEND DEADLINES RE: SETTLEMENT ADMINISTRATION

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

WHEREAS on July 15, 2019, the Court entered its Order Granting Final Approval of the MM-Wind Settlement¹;

WHEREAS on July 15, 2019, the Court entered its Final Judgment as to Settlement of Class Action Lawsuit;

WHEREAS pursuant to MM-Wind Settlement Paragraphs 121 and 128, this Court retains continuing and exclusive jurisdiction over the Settling Parties through final implementation and administration of the MM-Wind Settlement terms, including, but not limited to continuing and exclusive jurisdiction concerning all disbursements from the MM-Wind Settlement Fund;

WHEREAS on October 14, 2019, the MM-Wind Settlement Agreement achieved its Effective Date;

WHEREAS on October 15, 2019, the Court-Appointment Claims Administrator established the MM-Wind Settlement Fund Escrow for receiving, maintaining, administering, and distributing the MM-Wind Settlement Fund;

WHEREAS Castle & Cooke deposited the Settlement Fund proceeds into the MM-Wind Settlement Fund Escrow on November 13, 2019;

WHEREAS pursuant to the MM-Wind Settlement, the last day for Class Members to submit their Forms W-9 to the Administrator is currently December 23, 2019;

¹ Terms not defined in this Order shall have the definitions ascribed to them in the April 2019 MM-Wind Settlement Agreement attached as to the April 18, 2019 Declaration of Graham B. LippSmith in Support of the Class' Motion for Preliminary Approval of Settlement, Approval of Notice Plan, and Appointment of Additional Class Counsel.

WHEREAS pursuant to the MM-Wind Settlement, the last day for the Administrator to issue settlement payment to Class Members is currently January 22, 2020;

WHEREAS as of December 30, 2019, the Administrator has received 1,117 timely Forms W-9 for 2,332 Class Structures, representing approximately 47.8% of the Class;

WHEREAS Class Counsel believe Class Members who have not yet submitted their Forms W-9 may be more inclined to participate in the Settlement if local Class Counsel were to send direct correspondence urging them to submit their Forms W-9, potentially resulting in higher redemption rates; and

WHEREAS Class Counsel also believe they could achieve higher Settlement redemption rates if the current December 23, 2019 deadline to submit Forms W-9 were extended until a reasonable amount of time after the winter holiday season.

NOW, THEREFORE, THE SETTLING PARTIES HEREBY STIPULATE as follows:

1. The last day for Class Members to submit their Forms W-9 to the Administrator is extended from December 23, 2019 to February 21, 2020;
2. The last day for the Administrator to issue checks for undisputed Forms W-9 is extended from January 22, 2020 to March 6, 2020;
3. Within five days of both this Court's execution of this Stipulation and Order and the MM-PEX Brass Fitting Court's anticipated execution of a similar Stipulation and Order proposing the same dates set forth herein, the Administrator shall post the date changes provided in this Order along with a copy of this Order on the Settlement website;
4. Also within five days of both this Court's execution of this Stipulation and Order and the MM-PEX Brass Fitting Court's anticipated execution of a similar Stipulation and Order proposing the same dates set forth herein, Class Counsel shall mail direct correspondence to

Class Members who have not yet submitted their Forms W-9 to inform them of the extended deadline to submit Forms W-9 and provide information on how to submit the Forms W-9;

5. All other Settlement terms concerning deadlines and procedures for administration of the Settlement, including but not limited to Settlement terms concerning administration of payments to Class Members with Forms W-9 that are incomplete, inaccurate, or disputed, remain unchanged by this Stipulation and Order.

SO STIPULATED.

By: /s/ Melvin Y. Agena
MELVIN Y. AGENA
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KENNETH S. KASDAN
GRAHAM B. LIPPSMITH
SHARLA MANLEY
CELENE CHAN ANDREWS

Dated: December 30, 2019

Attorneys for Plaintiffs and the Class

By: /s/ Lennes N. Omuro
LENNES N. OMURO
Attorneys for Defendant

Dated: December 30, 2019

APPROVED AND SO ORDERED:

/s/ Jeffrey P. Crabtree



By: _____
The Honorable Jeffrey P. Crabtree
State of Hawai'i, First Circuit Judge

Dated: January 3, 2019

John Pupuhi Baker, Jr. v. Castle & Cooke Homes Hawaii, Inc., et al., Civil No. 11-1-1524-07 JPC;
STIPULATION TO EXTEND DEADLINES RE SETTLEMENT ADMINISTRATION