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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

HAZEL MCMILLON; GENE
STRICKLAND; TRUDY
SABALBORO; KATHERINE
VAIOLA; and LEE SOMMERS, each
individually and on behalf of a class
of present and future residents of
Kuhio Park Terrace and Kuhio Homes

CIVIL NO. CV 08-00578 LEK
Civil Rights Action
Class Action

**PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT;**

who have disabilities affected by architectural barriers and hazardous conditions,

Plaintiffs,

vs.

STATE OF HAWAII; HAWAII PUBLIC HOUSING AUTHORITY; REALTY LAUA LLC, formerly known as R & L Property Management LLC, a Hawaii limited liability company,

Defendants.

STATE OF HAWAII; HAWAII PUBLIC HOUSING AUTHORITY,

Third-Party Plaintiffs,

vs.

URBAN MANAGEMENT CORPORATION DBA URBAN REAL ESTATE COMPANY, DOES 1-20,

Third-Party Defendants.

MEMORANDUM IN SUPPORT OF MOTION; DECLARATION OF JASON H. KIM; EXHIBITS 1-2; DECLARATION OF VICTOR GEMINIANI; DECLARATION OF CLAUDIA CENTER; CERTIFICATE OF SERVICE

TRIAL: June 7, 2011

PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

Plaintiffs HAZEL MCMILLON, TRUDY SABALBORO,

KATHERINE VAIOLA, and LEE SOMMERS, by and through their counsel,

Alston Hunt Floyd & Ing, Lawyers for Equal Justice, and Legal Aid Society –

Employment Law Center, move this Court for an Order granting preliminary approval of a settlement in this action between the Plaintiff class and Defendants STATE OF HAWAII and HAWAII PUBLIC HOUSING AUTHORITY (“State Defendants”).

This Motion is made pursuant to Rule 23(e) of the Federal Rules of Civil Procedure. It is based on the memorandum, the declarations of class counsel, and Exhibits "1"-“2.”

In support of this Motion, Plaintiffs assert that:

1. The class was certified in this case on October 29, 2009; and
2. The class and the State Defendants have reached an agreement to settle this action and a related class action in the Circuit Court of the State of Hawai`i on the terms set forth in the attached Memorandum.

WHEREFORE, Plaintiffs move the Court to: (1) preliminarily approve the settlement as set forth in Exhibit “1”; (2) schedule a final fairness hearing; and (3) issue a notice of settlement to class members as set forth in Exhibit “2.”

DATED: Honolulu, Hawai`i, November 5, 2010.

/s/ Jason H. Kim
PAUL ALSTON
JASON H. KIM
Attorneys for Plaintiffs