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FIRST CIRCUIT

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Attorneys for Plaintiff and the Class

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

IRENE O. BRITTON, Individually and in
Her Representative Capacity, on Behalf of
Herself and all Others Similarly Situated,

Plaintiffs,

vs.

CASTLE & COOKE WAIKOLOA, LLC. a
Domestic Limited Liability Company;
CASTLE & COOKE HOMES HAWAII
INC., a Domestic Corporation; and DOES 1-
10,

Defendants.

CIVIL NO. 13-1-2276-08
(Construction Defects)

**FINAL JUDGMENT AS TO SETTLEMENT
OF CLASS ACTION LAWSUIT**

CASTLE & COOKE WAIKOLOA, LLC, a
Domestic Limited Liability Company;
CASTLE & COOKE HOMES HAWAII
INC., a Domestic Corporation,

Third-Party Plaintiffs,

vs.

UPONOR, INC. aka UPONOR NORTH
AMERICA fka WIRSBO, an Illinois
corporation, JOHN DOES 1-10, JANE DOES
1-10, DOE PARTNERSHIPS 1-10, DOE
CORPORATIONS 1-10 and DOE
GOVERNMENTAL ENTITIES 1-10,

Third-Party Defendants.

FINAL JUDGMENT AS TO SETTLEMENT OF CLASS ACTION LAWSUIT

Pursuant to and in accordance with Hawai‘i Rule of Civil Procedure 58, and with the Court being fully advised in the premises, and with good cause appearing therefore, IT IS HEREBY ORDERED, ADJUDGED, and DECREED that FINAL JUDGMENT IS ENTERED pursuant to and in accordance with the Court’s September 20, 2021 Order Granting Final Approval of Settlement and Motion for Approval of Attorney Fees, Costs, and All Other Expenses.¹

Final judgment is entered as to the settlement and release of all counts and claims of this action, including all counts and remedies claimed in the operative Class Action Complaint, filed August 20, 2013;

On February 1, 2016, the Court dismissed all of Third-Party Plaintiffs Castle & Cooke Waikoloa, LLC and Castle & Cooke Homes Hawaii Inc.’s (jointly “Castle & Cooke”) third-party counts and claims in the Third-Party Complaint against Third-Party Defendant Uponor, Inc.;

This class action involved allegations of defective brass fittings PEX plumbing systems in homes built by Castle & Cooke Homes Hawaii, Inc. and Castle & Cooke Waikoloa LLC in the housing developments known as Kikaha at Wehilani and Makana Kai and Wehilani that were completed by or after August 20, 2003 and which contain the brass fittings at issue in the lawsuit. The *Waikoloa-PEX Brass Fittings* Settlement has been approved and is hereby implemented, including the releases set forth herein. There are no remaining *Waikoloa-PEX Brass Fittings* Class Member Claims, defenses, or parties; and

¹ Terms not defined in this Order shall have the definitions ascribed to them in the April 28, 2021 *Waikoloa-PEX Brass Fittings* Settlement Agreement attached as Exhibit 1 to the April 30 2021 Declaration of Graham B. LippSmith in Support of Plaintiff’s Motion for Preliminary Approval of Settlement, Class Certification, and Approval of Notice Plan.

All parties in the Lawsuit are to bear their own fees and costs except as is set forth in the *Waikoloa-PEX Brass Fittings* Settlement, herein, and in the prior orders of this Court.

This final judgment resolves all claims, counterclaims, and cross-claims by and against all parties in the above-entitled case and no claims, counterclaims, cross-claims, or parties remain. All claims, counterclaims, and cross-claims not specifically identified herein are hereby dismissed.

APPROVED AS TO FORM:

By: /s/ *Graham B. LippSmith*
MELVIN Y. AGENA
GLENN K. SATO
GRAHAM B. LIPPSMITH
CELENE CHAN ANDREWS
SHARLA MANLEY
Attorneys for Plaintiffs and the Class

DATED: September 9, 2021

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

DATED: September 9, 2021

APPROVED AND SO ORDERED:

By: /s/ John M. Tonaki
The Honorable John M. Tonaki
State of Hawai‘i, First Circuit Judge



DATED: September 20, 2021

FINAL JUDGMENT AS TO SETTLEMENT OF CLASS ACTION LAWSUIT

Irene O. Britton. vs. Castle & Cooke Waikoloa, LLC, et al., Civil No. 13-1-2276-08, Circuit Court of the First Circuit, State of Hawaii