

November 2023 Monthly Client Update

We continue to diligently file complaints on your behalf to recover your total economic loss from the devastation of the Lāhainā Fire. We appreciate your trust in our team, and we remain steadfast in our mission to secure the best possible outcome for you.

Hawaiian Electric Defendants seek to remove some cases to federal court

Defendants Hawaii Electric Industries, Inc., Maui Electric Company, Limited, Hawaiian Electric Company, Inc., and Hawaii Electric Light Company, Inc. (collectively the “Hawaiian Electric Defendants”) have filed a Notice of Removal of some of the Lāhainā Fire cases to the United States District Court for the District of Hawaii. We believe your interests are best served by litigating in Maui County, before the local state judge currently assigned to the litigation, Peter T. Cahill, and will oppose this effort. However, it is not unusual for litigation of this magnitude to be removed to federal court, which usually has greater resources than a small state court to handle large cases.

If a Notice of Removal is filed in your specific case, we will notify you immediately. If we have not notified you, that means no Notice of Removal has been filed in your case.

Coordination of actions

Given the huge number of lawsuits that are expected to be filed as a result of the Lāhainā Fire, there is an effort by attorneys and Judge Cahill to coordinate the movement of all cases through the Hawaiian judicial system. Plaintiffs’ lawyers are working together and meet weekly via zoom to discuss updates and discovery, to share information, and avoid duplication of efforts.

Our next court appearance before Judge Cahill is December 13, 2023, at which time Judge Cahill will consider the *pro hac vice* applications of out-of-state attorneys to represent clients in this litigation without being admitted to the Hawaii State Bar.

We will provide an update following the hearing.

Other Significant Developments and Important Information

EPA Completes Fire-Related Cleanup on Maui

The Environmental Protection Agency (EPA) finished Phase 1 of the federal cleanup response on November 30 in Lāhainā and upcountry communities on Maui. EPA began Phase 1 of the cleanup on August 17 which resulted in the removal of hazardous materials from 1,374 residential homes and 74 commercial properties. At the request of the County of Maui, EPA field crews also applied a soil stabilizer to properties after the hazardous materials were removed to prevent ash from mobilizing into the air or running off into streams and oceans.

All of the EPA’s cleaning efforts were done in accordance with a cultural monitoring program to observe and protect important cultural resources on Maui. The program involved hiring more than 20 cultural monitors to oversee EPA’s field work; cultural awareness training for all EPA staff; and cultural advising to inform EPA’s community involvement program.

While this phase of the fire clean up is complete, the EPA will continue to assist Maui County with issues related to fire-damaged underground water pipes and sewer lines as well as above-ground pumping stations.

More information on the EPA's cleanup efforts can be found here:

<https://www.epa.gov/newsreleases/epa-completes-removal-hazardous-materials-following-wildfires-maui>

Attorney General Anne Lopez Continues to Push Key Parties for Information in the Maui Fire Investigation

Hawai'i Attorney General Anne E. Lopez selected UL's Fire Safety Research Institute (FSRI), a nonprofit research organization, to assess the policies and performance of state and county agencies in preparing for and responding to the Maui wildfires. Attorney General Lopez initiated this investigation because she understands "that many have had their belief in government shaken by this unprecedented tragedy" and an investigation coupled with improvements to the government's response to catastrophic events is necessary. FSRI will conduct a thorough investigation in three phases, focusing on the first 24 to 72 hours of the fire and its aftermath, with findings anticipated in late 2024. Lopez plans to share information with the community at the end of each phase and will use the recommendations to rectify issues and enhance preparedness for future disasters.

On November 27, Attorney General Lopez announced that her office served subpoenas on the Maui Emergency Management Agency, the County of Maui Department of Public Works, and the County of Maui Department of Water Supply to provide information pertinent to the investigation. The subpoenas will allow the Attorney General to collect information in a timely manner. Once the Attorney General's office is able to obtain a complete set of critical facts for FSRI to review, they will announce a revised date for sharing the Phase 1 results with the people of Hawai'i.

More information on the Fire Investigation can be found below:

Office of the Governor's Press Release on Selecting UL's Fire Safety Research Institute to Investigate the Lāhainā Fire: <https://governor.hawaii.gov/newsroom/2023-42-attorney-general-lopez-selects-uls-fire-safety-research-institute-to-conduct-thorough-investigation-into-maui-fires/>

News Release from the Department of the Attorney General on Updates on the Fire Investigation: <https://ag.hawaii.gov/wp-content/uploads/2023/11/News-Release-2023-56.pdf>

Maui County Bill Incentivizing Long-Term Rentals Gets Support as it Moves Forward

The Maui County Council has approved Bill 131, proposed by Mayor Richard Bissen, encouraging vacation rental owners to offer long-term housing to fire victims. The bill provides tax incentives, starting from January 1, for short-term rental owners who assist those displaced by the wildfires on Maui. With over 24,000 vacation rentals and second homes on the island, the move aims to address the housing crisis faced by 2,700 families currently in need. A second reading of the bill is scheduled for December 15.

More information on Bill 131 can be found here: <https://www.hawaiipublicradio.org/local-news/2023-12-06/maui-county-bill-incentivizing-long-term-rentals-gets-support-as-it-moves-forward>