

ORDER DENYING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT ON ALL CLAIMS IN PLAINTIFFS' FIRST AMENDED COMPLAINT FILED MARCH 22, 2021 (DKT. 45) BASED ON THE STATUTE OF LIMITATIONS, FILED ON FEBRUARY 11, 2025 (DKT. 1536)

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The Court has reviewed and considered Defendants' Motion for Summary Judgment on All Claims in Plaintiffs' First Amended Complaint Filed March 22, 2021 (Dkt. 45) Based on the Statute of Limitations, filed on February 11, 2025 (Dkt. Nos. 1536, 1538-1541, 1543-1544, 1546-1552, 1554, 1556-1567, 1569-1573, 1575, 1577, 1579, 1581, 1583, 1585, 1587, 1589, 1591, 1593, 1595, 1597, 1599, 1601, 1603, 1605, 1607, 1609, 1611, 1613, 1615, 1617, 1619-1626, 1628-1632, 1634-1635, 1637-1641, 1643-1646, 1648-1649, 1651-1654, and 1656-1662) ("Motion"), related substantive filings (Dkt. Nos. 1717 (Stipulated Order Regarding Defendants' Request for Judicial Notice; Exhibits 2, 14, 48 and 59), 1724, 1726, 1728, 1730-1734, 1736-1739, 1741-1748, 1750-1758, 1760-1770, 1772-1785, 1787-1802, 1804-1822, 1824, 1838, 1844 and 1852), and the arguments of counsel at the July 29, 2025, hearing. Being duly advised of the records and files herein and for good cause therefor, the Court DENIES the Motion.

Defendants argue that Plaintiffs' claims are barred by the applicable statute of limitations (asserted to be two years pursuant to HRS section 657-7) and the continuing tort doctrine does not apply. Dkt. 1536. Plaintiffs oppose the Motion for a variety of reasons and alternatively requested more discovery pursuant to HRCP 56(f).

[S]ummary judgment is appropriate if the pleadings, depositions, answers to interrogatories and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. A fact is material if proof of that fact would have the effect of establishing or refuting one of the essential elements of a cause of action or defense

asserted by the parties. The evidence must be viewed in the light most favorable to the non-moving party. In other words, we must view all of the evidence and inferences drawn therefrom in the light most favorable to the party opposing the motion.

*Ralston v. Yim*, 129 Hawai'i 46, 55–56, 292 P.3d 1276, 1285–86 (2013) (internal citations omitted). “[S]ummary judgment must be used with due regard for its purpose and should be cautiously invoked so that no person will be improperly deprived of a trial of disputed factual issues.” *Miller v. Manuel*, 9 Haw. App. 56, 65–66, 828 P.2d 286, 292 (1991); see also *id.* at 66 (noting “the drastic nature of summary judgment proceedings”).

In *Ralston*, the Supreme Court noted that 56(f) requests “provide an additional safeguard against an improvident or premature grant of summary judgment” and “should be applied with a spirit of liberality.” As such, the Supreme Court stated: “summary judgment should not be granted when there is still time for the non-movant to develop evidence for use at trial, unless there is a basis for concluding . . . that such an effort would be futile.” *Ralston*, 129 Hawai'i at 63, 292 P.3d at 1293.

On the record before the Court, the Court cannot conclude continued discovery efforts would be futile. The Court's denial of the Motion based on the HRCP 56(f) request does not reflect the Court's determination of any of the other arguments raised in the briefs.

DATED: Honolulu, Hawai'i, January 2, 2026.

/s/ Lisa W. Cataldo



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JUDGE OF THE ABOVE-ENTITLED COURT