

**Electronically Filed  
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SCRQ-24-00000602

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

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IN THE MATTER OF THE PETITION FOR COORDINATION  
OF MAUI FIRE CASES.

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RESERVED QUESTIONS FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT  
(CASE NO. 2CSP-23-0000057)

ORDER ACCEPTING RESERVED QUESTIONS

(By: Recktenwald, C.J., McKenna, Eddins, and Ginoza, JJ.,  
and Circuit Judge Morikone, in place of Devens, J., recused)

Upon consideration of the order issued by the circuit court reserving for the consideration of the supreme court, pursuant to Hawai‘i Revised Statutes (HRS) § 602-5(a)(2) (2016) and Hawai‘i Rules of Appellate Procedure (HRAP) Rule 15 (2010), questions of law arising in 2CSP-23-0000057,

It is ordered that the reserved questions are accepted.

It is further ordered:

1. Within forty days from the date of this order, a joint opening brief addressing the reserved questions shall be filed by Plaintiffs through lead counsel. Plaintiffs are those

Individual Action Plaintiffs who are being represented by Liaison Counsel in 2CSP-23-0000057.

2. A joint opening brief addressing the reserved questions shall also be filed by Defendants through lead counsel within forty days from the date of this order. Defendants are those parties, other than Individual Action Plaintiffs and the Consolidated Class, that signed the Settlement Term Sheet that is attached as an exhibit in docket 1958.

3. Subrogating Insurers may file an opening brief through lead counsel that addresses the reserved questions. Subrogating Insurers are those insurers that filed an opposition to Plaintiffs' motion concerning HRS § 663-10 (docket 1905). If an opening brief is filed, the brief shall be filed within forty days from the date of this order.

4. Hyundai Marine & Fire Insurance Co. (Hyundai) (docket 1909) and The Dentist Insurance Co. (TDIC) (docket 1907) may each file an opening brief that addresses the reserved questions. If an opening brief is filed, the brief shall be filed within forty days from the date of this order.

5. If Subrogating Insurers, Hyundai, or TDIC file an opening brief, they will be designated as appellees solely for this reserved question proceeding. See HRAP Rule 28(e) (2022). Participation by Subrogating Insurers, Hyundai, or TDIC shall

not be deemed a waiver of any objection to participation in 2CSP-23-0000057, including lack of jurisdiction.

6. Within forty days after the last opening brief is filed or could have been filed, each party may file a single answering brief that responds to the opening briefs filed in this case.

7. Putative Class Plaintiffs (docket 1924) and Consolidated Class Plaintiffs (docket 1967) may each file an amicus brief within forty days from the date of this order. If an amicus brief is filed, Putative Class Plaintiffs and Consolidated Class Plaintiffs shall identify who they are in relation to Plaintiffs and describe how the subrogation terms of the Settlement Term Sheet affect them.

8. Each opening brief, answering brief, and amicus brief shall not exceed thirty-five pages, exclusive of indexes and appendices.

9. To assist with this court's understanding of the time frame for decision making, the opening briefs filed by Plaintiffs and Defendants shall specify the dates for the condition precedent described in paragraph 4 of the Settlement Term Sheet.

10. No extensions of time to file the above briefs shall be granted.

11. The three transcripts of proceedings from the hearings mentioned in paragraph 9 of the circuit court's amended reserved questions order shall also be filed in this SCRQ proceeding.

12. If not already added to the service list, the appellate clerk shall (A) add counsel for Putative Class Plaintiffs, Consolidated Class Plaintiffs, Subrogating Insurers, TDIC, and Hyundai to the service list of this SCRQ case, and (B) serve this order on counsel for Subrogating Insurers, TDIC, Hyundai, Putative Class Plaintiffs, and Consolidated Class Plaintiffs.

DATED: Honolulu, Hawai'i, September 25, 2024.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Lisa M. Ginoza

/s/ Kevin T. Morikone

