KOBAYASHI, SUGITA & GODA

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Attorneys for Defendant KUKUI GARDENS CORPORATION

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

KUKUI GARDENS ASSOCIATION,) CIVIL NO. CV06-00534 SOM LEK
FAITH ACTION FOR COMMUNITY)
EQUITY,) DEFENDANT KUKUI GARDENS
) CORPORATION'S MOTION TO
Plaintiffs,) DISMISS PLAINTIFF FAITH ACTION
) FOR COMMUNITY EQUITY'S
VS.) COMPLAINT
)
ALPHONSO JACKSON, in his capacity)
as SECRETARY OF THE UNITED)
STATES DEPARTMENT OF)
HOUSING AND URBAN)
DEVELOPMENT, KUKUI GARDENS)
CORPORATION, CARMEL)
PARTNERS, INC.)
)
Defendants.)

COMES NOW, Defendant KUKUI GARDENS CORPORATION ("KGC") by and through its counsel, Kobayashi, Sugita & Goda, and hereby moves this Honorable Court for an order granting KGC's Motion to Dismiss the abovecaptioned matter on the grounds that Plaintiff FAITH ACTION FOR COMMUNITY EQUITY'S ("FACE") COMPLAINT for lack the requisite

standing required under Article III of the United States Constitution and as to Count Six of the Complaint for failure to state a claim upon which relief can be

granted.

This Motion is being brought pursuant to Federal Rules of Civil Procedure ("FRCP") Rules 12(b)(1) and 12(b)(6), the attached Memorandum In Support of Motion, the records and files contained herein.

DATED: Honolulu, Hawai'i, December 11, 2006.

/s/ Jonathan A. Kobayashi

BERT T. KOBAYASHI, JR. JONATHAN A. KOBAYASHI BURT T. LAU JESSE W. SCHIEL Attorneys for Defendant KUKUI GARDENS CORPORATION