

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

In Re: Lahaina Wildfire Litigation

1:24-cv-00259-JAO-BMK

(Class Action)

CONSOLIDATED COMPLAINT

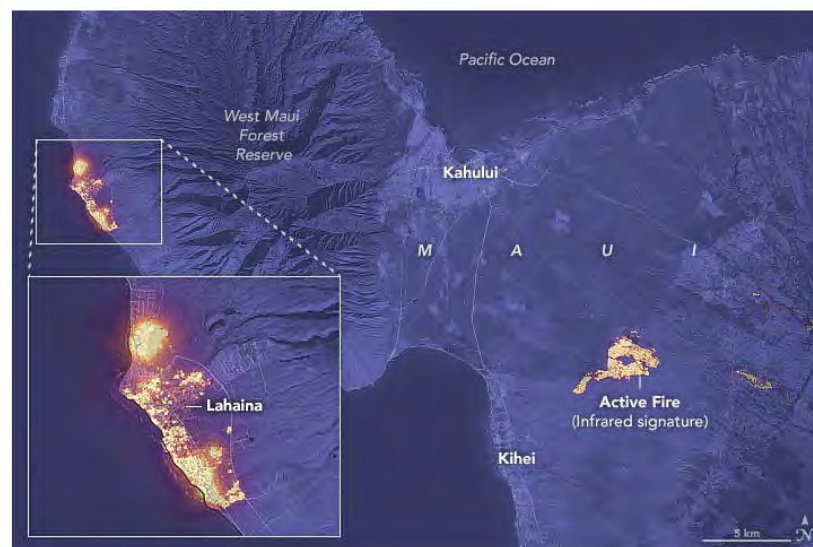
CLASS ACTION COMPLAINT

Plaintiffs Nova Burnes; Maui Concierge Aesthetics, LLC; Lani Chadli, individually and as Trustee of the Aotaki Family Irrevocable Trust; Monica I. Eder; Rede S. Eder; Candace Faust; Peter Faust; David Heymes; Kathryn Llamas; Jennifer Lynn McNamee; Chardell Naki; Barret Procell; and Rolland Williams Jr., individually and on behalf of others similar situated, bring this action against Defendants Hawaiian Electric Company, Inc. dba Hawaiian Electric; Maui Electric Company, Limited dba MECO; Hawai'i Electric Light Company, Inc.; Hawaiian Electric Industries, Inc. (collectively, the "HECO Defendants"); Trustees of the Estate of Bernice Pauahi Bishop ("Bishop Estate"); Hawaiian Telcom; Hawaiian Telecommunications, Inc.; Hawaiian Telcom, Inc.; Spectrum Oceanic, LLC (collectively, "Telecommunications Defendants"); Peter Klint Martin; Peter Klint Martin Revocable Trust; Hope Builders Holding LLC; Hope Builders Inc.; Hope Builders LLC; Kauaula Land Company LLC; Kipa Centennial, LLC; James C. Riley Trust; Jeanne A. Riley Trust; Wainee Land & Homes, LLC; West Maui Land Company, Inc.; Makila Ranches Inc.; Makila Land Co., LLC; Makila Ranches Homeowners Association, Inc.; JV Enterprises, LLC ("West Maui Landowner Defendants"); County of Maui; and Doe Defendants 1–10, and allege the following:

NATURE OF THE ACTION

1. Early on the morning of August 8, 2023, downed power lines that HECO Defendants owned and operated sparked the deadliest wildfire in more than a century of U.S. history (“Fire” or “Lāhainā Fire”). The Fire burned more than 2,000 acres across Lāhainā, tragically taking 101 lives and causing thousands of people to lose their homes, businesses, and livelihoods. Lāhainā is also the site of the first capital of the Hawaiian Kingdom. It contains some of the most historically significant cultural properties and sacred remains of Native Hawaiians.

2. Firefighters reported that they contained the Lāhainā Fire that morning. They did not extinguish the Fire, which continued to smolder. In the afternoon, winds grew stronger and picked up embers from the Fire, causing it to flare at its area of origin on Bishop Estate land. The Fire moved quickly through the Estate’s unmaintained land, which was overgrown with highly flammable nonnative vegetation. Wind gusts pushed flames through dense neighborhoods into Lāhainā, as the Fire grew rapidly in size and intensity. Hundreds of homes burned in a matter of hours, forcing residents to evacuate with minimal or no notice.



*Infrared Images from NASA’s Earth Observatory
(Aug. 8, 2023, 10:25 p.m. HST)*

3. Cellphone towers burned or lost power, leaving people unable to communicate, receive emergency alerts, or both. Flames and downed power lines blocked or forced the closure of the two main roads that served as escape routes out of Lāhainā, funneling evacuees into an inferno of gridlock. Former agricultural lands, fallow and overgrown with non-native grasses, abutted these roads, fueling the Fire's rapid spread. The County's powerful emergency warning sirens never made a sound. Fire hydrants ran dry.



*Waiola Church and Lāhainā Hongwanji Mission engulfed in flames on August 8.*¹

4. Had the HECO Defendants acted responsibly, the Lāhainā Fire could have been prevented. Despite High Wind and Red Flag weather warnings from the National Weather Service (“NWS”) cautioning that winds could topple power lines and cause fires to spread rapidly, the HECO Defendants failed to implement necessary fire prevention and mitigation measures. The utility company's aging infrastructure failed, igniting the deadly inferno.

¹ *Scenes From the Hawaii Fires and the Aftermath*, N.Y. TIMES (Aug. 11, 2023), <https://www.nytimes.com/2023/08/11/us/hawaii-fires-photos.html>.



Photographs taken after the devastating fire.²

5. Plaintiffs bring claims on behalf of themselves and all others similarly situated, to hold Defendants liable for this avoidable tragedy and enable the community to rebuild.

PARTIES

A. Plaintiffs.

6. Plaintiff Nova Burnes was at all times relevant a resident of Maui County, State of Hawai‘i. Ms. Burnes is an owner, member, and operator of Plaintiff Maui Concierge Aesthetics, LLC.

7. Plaintiff Maui Concierge Aesthetics, LLC (“Maui Concierge”) is a Hawai‘i domestic limited liability company, with its principal place of business in Maui County, State of Hawai‘i. At all relevant times, Maui Concierge operated a salon at 180 Dickenson St., Lāhainā, Hawai‘i, 96761. All members of Maui Concierge are residents of Hawai‘i.

8. The Lāhainā Fire leveled Maui Concierge’s salon at 180 Dickenson, destroying business equipment and property, as well as personal property belonging to Nova Burnes.

9. As a result of the Lāhainā Fire and Defendants’ negligent, careless, reckless, and/or intentional conduct, Plaintiff Nova Burnes has suffered injuries and damages, including

² *Id.*

destruction of personal property, out of pocket expense, loss of income, annoyance, aggravation, and inconvenience.

10. As a result of the Lāhainā Fire and Defendants' negligent, careless, reckless, and/or intentional conduct, Plaintiff Maui Concierge has suffered injuries and damages, including loss of personal property and loss of business income.

11. Plaintiff Lani Chadli, was at all times relevant a resident of Maui County, State of Hawai'i. Plaintiff Chadli is a Trustee of the Aotaki Family Irrevocable Trust, which owns her residence at 1634 Ainakea Rd., Lāhainā, Hawai'i, 96761. Plaintiff Chadli is an educational assistant for children with special needs and a caretaker for her 90-year-old mother.

12. On the morning of the Fire, Plaintiff Chadli heard from friends about a brushfire near the Lāhainā Intermediate School but had no reason to believe the Fire would reach her home at the northern end of Lāhainā. By the time Plaintiff Chadli learned that the Fire was heading towards her home, she had no time to gather her belongings before evacuating. She swiftly loaded her 90-year-old mother into her car and left for the evacuation zone. The Lāhainā Fire consumed her entire home and all of her belongings, including family heirlooms. She, her mother, and her son have been displaced since the Fire and have had to rely on temporary housing in hotels that can accommodate her mother's wheelchair.

13. As a result of the Lāhainā Fire and Defendants' negligent, careless, reckless, and/or intentional conduct, Plaintiff Chadli has suffered injuries and damages, including a complete loss of the property at 1634 Ainakea Road, loss of personal property, and emotional distress.

14. Plaintiffs Monica I. Eder and Rede S. Eder own a townhome located at 1400 Limahana Circle, Lāhainā, Hawai'i, 96761.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.