



ADMITTED IN HAWAII
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REPLY TO HAWAII

1003 Bishop Street, Suite 1180
Honolulu, Hawaii 96813
(808) 369-8393
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KLLAWHAWAII.COM

February 28, 2020

VIA PERSONAL SERVICE

988 HALEKAUWILA, LLC
c/o Corporation Service Company, Its Agent
Pauahi Tower, Suite 1600
1003 Bishop Street
Honolulu, Hawaii 96813

RE: Association of Unit Owners of 988 Halekauwila (Ke Kilohana)
Notice of Claims of Construction Defect Against 988 Halekauwila, LLC

Dear Sir or Madam,

Pursuant to Hawaii Revised Statute (HRS) §672E-3(a), the Association of Unit Owners of 988 Halekauwila also known as Ke Kilohana ("Association") hereby provides written notice of its claims for construction defects in the Ke Kilohana condominium project, designated as TMK (1) 2-1-050:001, 061, 062 (referred to hereafter as "the Project") as against 988 Halekauwila, LLC. To the extent that any notice of claims are required by contractual agreements governing the Project, let this letter further serve as notice of claims such as breach of contract, breach of implied warranty, negligence, unfair business practices, and breach of fiduciary duty asserted by the Association against 988 Halekauwila, LLC.

This notice includes claims for construction defects in the common elements of the Project, which the Association is obligated to maintain and repair, and any defects that affect two or more unit owners. Based on the preliminary investigations, numerous construction defects were identified. These defects are specified in the list attached as Exhibit "A".

The Association anticipates additional defects will be discovered upon further investigation. As additional defects or damages manifest or otherwise become known, this notice may be supplemented and amended pursuant to HRS §672E-9.

In accordance with HRS §672E-4, 988 Halekauwila, LLC has thirty (30) days to provide a written response to each of the alleged construction defects. The response may include either an offer of settlement or a request to inspect the premises. Within the parameters of the statute 988 Halekauwila, LLC is entitled to an inspection, including testing, to determine the nature and cause of the defects within the Project, and the nature and extent of any repairs or replacements. The Association will comply with 988 Halekauwila, LLC's statutory right to inspect and will coordinate reasonable access. Please note that if testing is requested, 988 Halekauwila, LLC is required to give advance notice of the tests and is required to return the premises to its pre-testing condition. Within fourteen (14) days of any inspection or testing, 988 Halekauwila, LLC is required to provide

* KASDAN LIPPSMITH WHEELER THOMSON LLP IS AN AFFILIATION WITH KASDAN LIPPSMITH LLLC

ARIZONA*	CALIFORNIA (SOUTHERN)*	CALIFORNIA (LOS ANGELES)*	CALIFORNIA (NORTHERN)*	NEW MEXICO*	HAWAII
3200 North Central Avenue Suite 2100 Phoenix, Arizona 85012 (602) 224-7800 (602) 224-7801 Fax	19900 MacArthur Boulevard Suite 850 Irvine, California 92612 (949) 851-9000 (949) 833-9455 Fax	360 East 2nd Street Suite 300 Los Angeles, California 90012 (213) 254-4800 (213) 254-4801 Fax	1990 North California Boulevard Suite 1060 Walnut Creek, California 94596 (925) 906-9220 (925) 906-9221 Fax	6301 Indian School Road NE Suite 720 Albuquerque, New Mexico 87110 (505) 219-4204 (505) 219-4205 Fax	1003 Bishop Street Suite 1180 Honolulu, Hawaii 96813 (808) 369-8393 (808) 369-8392 Fax



a response to the claim. Failure to comply with the statutory time periods or to provide a written response is deemed as a refusal to proceed under the Contractor Repair Act.

The Association reserves all claims, rights, and remedies.

Sincerely,

A handwritten signature in black ink, appearing to be "K. Kasdan", written over a horizontal line.

Kenneth S. Kasdan
Brittany L. Grunau
Christopher K. Hikida
Kasdan LippSmith LLC
kkasdan@kllawhawaii.com
bgrunau@kasdancelaw.com
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Enclosure:

Defect List
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1.1 Parking Garage Accessibility

- 1.2 Inadequate size and access to “compact” parking spots
- 1.3 Blind spots in driveways
- 1.4 Inaccessible parking spots for intended and typical use
- 1.5 Intrusions into area of parking spaces in excess of applicable code regulation allowance of 6”
- 1.6 Multiple intrusions into compact parking spaces
- 1.7 Inadequate size of handicap parking stall

2.1 Parking Garage Building

- 2.2 Gaps in guard rail in excess of 4” code allowance
- 2.3 Guardrail not contiguous to edge of slab
- 2.4 Gap at slab edge hazardous condition
- 2.5 Guardrail of excessive length without intermediate support
- 2.6 Guardrail corroding. Inappropriate use of galvanized cable
- 2.7 Guardrail spacing in excess of 4”
- 2.8 Cracking of garage slabs
- 2.9 Screen attachment hardware including bolts and brackets corroding
- 2.10 Metal screen wall panels and support metal structure not primed or painted adequately, and corroding

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- 2.11 Selection of metal for screen/frame/hardware - not sufficiently corrosion resistant

3.0 Plumbing – Cold Water Supply

- 3.1 Corrosion on copper water pipes in garage
- 3.2 Corrosion on copper water pipes in garage and pump room
- 3.3 Corrosion of Victaulic fasteners
- 3.4 Dissimilar metal corrosion at Victaulic couplers and pipe junctions
- 3.5 Use of non-corrosion resistant pipes and couplers and resulting corrosion on pipe assemblies

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4.0 Water Lines/ Washer-Dryer Cabinets

- 4.1 Corrosion on copper pipe assemblies in units at hot water tank
- 4.2 Hydrogen Sulfide induced corrosion on copper pipes damaging pipes and connectors
- 4.3 Inaccessible shut-off valve at unit washer-dryer assembly

5.0 Plumbing Assembly

- 5.1 Defective vent system/drain systems, defective vent assemblies resulting in hydrogen sulfide – sewer gas-inside units
- 5.2 Presence of toxic hydrogen sulfide gas in units
- 5.3 Improper placement of plumbing vent lines adjacent to air intakes at roof
- 5.4 Roof ponding of water on roof
- 5.5 Excessive patching of roof material
- 5.6 Corrosion of electrical junction boxes on roof

6.0 Hallways

- 6.1 Excessive wind noise in hallways and units
- 6.2 Inadequate hallway ventilation

7.0 Staircase Assemblies

- 7.1 Improper Presence of materials in fire staircase and duct not required for stair system
- 7.2 Failure to adequately tape and seal drywall joints

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- 7.3 Unsealed and untapped joints and fasteners in the fire stairway duct assemblies
- 7.4 Failure of fire stairways to comply with IBC 909.6 for pressurization, and excess door pull force
- 7.5 Failure of fire assemblies to have a Registered Professional Engineer certified full code compliance
- 7.6 Failure of obtain Fire Department approval of deficiencies

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8.0 Lobby

8.1 Excessive cracking of lobby floor

9.0 Security System

9.1 Inadequate security cameras on building exteriors, entries and hallways for security monitoring.

10.0 Fire Control Room

10.1 Inadequate manual and plans for operation of pressurized staircase and alarm assemblies- inadequate commissioning report

11.0 Building General

11.1 Failure to provide adequate Building Commissioning Reports

11.2 Inadequate guardrails assembly at Sky Lanais on floors: 31-33 and 36-38

11.3 Excessive height of curbs causing guardrail height to be inadequate

11.4 Lack of drainage at amenity deck planters causing wet concrete and slip hazards

12.0 Drywall

12.1 Excessive drywall cracks along ceiling lids

13.0 PTAC Units

13.1 Inadequate condensate evaporation system in PTAC units

13.2 Failure to provide condensate drain

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- 13.3 Damage to building envelope/window frame due to condensate water
- 13.4 Obstruction of window sight area due to PTAC condensation
- 13.5 Excessive operating noise of unit
- 13.6 Obstruction of window and floor space due to PTAC placement
- 13.7 Improper installation of PTAC system so as to preclude condensate drainage

14.0 Windows

- 14.1 Corrosion of window hinges
- 14.2 Inadequate design/strength of window hinge to keep window open in typical wind conditions
- 14.3 Failure of window hinges to retain windows on an open position to allow for fresh air ventilation into units

15.0 Fire Protection

- 15.1 Inadequate firestops at penetrations of fire rated walls and assemblies
- 15.2 Unidentified fire stop materials without verification of suitable material
- 15.3 Inadequate protection of structural steel

16.0 LEED

- 16.1 Failure to install appropriate high efficiency luminaire assemblies and bulbs, resulting in excessive energy consumptions and costs
- 16.2 Lighting not LEED appropriate