

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII

Paul Alpha Grant v. Greystar Real Estate Partners, LLC; Kapilina Beach Homes; and Conservice, LLC

Civ. No. 25-00300 JMS-RT (D. Haw. Dec. 22, 2025) · No. Civ. No. 25-00300 JMS-RT · Decided December 22, 2025

SUMMARY

The United States District Court for the District of Hawaii grants Defendants’ motion to dismiss Plaintiff Paul Alpha Grant’s claims arising from alleged utility overbilling, including claims under RICO, the FDCPA, and the FCRA, as well as retaliation and spoliation claims. The court grants leave to amend the RICO, retaliation, and spoliation claims, but denies leave to amend the FDCPA and FCRA claims. The court also requires any amended complaint to distinguish the allegations and claims against each Defendant.

CASE DETAILS

COURT	United States District Court for the District of Hawaii
WRITING FOR THE COURT	J. Michael Seabright
JURISDICTION	United States District Court for the District of Hawaii
DECIDED	December 22, 2025
DOCKET	Civ. No. 25-00300 JMS-RT
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought claims under RICO, the FDCPA, and the FCRA, together with state-law claims for retaliation and spoliation. Greystar moved to dismiss under Federal Rule of Civil Procedure 8(a)(2), Conservice joined the motion, and the court sua sponte dismissed the claims against nonmoving defendant Kapilina because those claims were integrally related to the claims against the moving defendants.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts nonconclusory factual allegations as true, sets aside conclusory allegations, and determines whether the complaint states a plausible claim for relief under Rule 8(a)(2). The court generally considers only the complaint, attached exhibits, and documents incorporated by reference. Pro se filings are liberally construed but must provide defendants with fair notice of the alleged misconduct.

PRECEDENTIAL VALUE	unpublished district-court order; nonprecedential
PARTIES	Paul Alpha Grant v. Greystar Real Estate Partners, LLC, Kapilina Beach Homes, Conservice, LLC

TOPICS

[motions to dismiss](#)
[civil procedure](#)
[consumer protection](#)
[landlord tenant](#)
[fair debt collection](#)

PRACTICE AREAS

[civil procedure](#)
[consumer protection](#)
[landlord-tenant law](#)
[real estate](#)
[torts](#)

QUESTIONS PRESENTED

1. Whether the complaint plausibly alleged a RICO enterprise and a pattern of racketeering activity.
2. Whether Hawaii law recognized or, alternatively, whether the complaint sufficiently alleged a spoliation claim.
3. Whether the complaint plausibly alleged retaliatory eviction under Hawaii Revised Statutes § 521-74.
4. Whether the defendants were consumer reporting agencies subject to the FCRA.
5. Whether the complaint plausibly alleged that any defendant was a debt collector engaged in conduct covered by the FDCPA.
6. Whether the complaint adequately differentiated the alleged conduct of each defendant and identified which claims were asserted against which defendant.
7. Whether Plaintiff was entitled to expedited discovery, preservation relief, or a protective order at the pleading stage.

HOLDINGS

1. The complaint failed to plausibly allege the existence of a RICO enterprise because it did not allege that defendants formed a legal entity or provide facts showing the structure or organization and longevity of an association-in-fact enterprise.
2. The complaint failed to plausibly allege a pattern of racketeering activity because it did not identify specific predicate acts or allege at least two predicate acts by each defendant.
3. The complaint sufficiently alleged the required effect on interstate commerce.
4. The complaint failed to state a spoliation claim because it did not allege that the identified destruction or retraction of evidence significantly impaired Plaintiff's ability to prove his underlying claims.
5. The complaint failed to state a retaliatory eviction claim under Hawaii Revised Statutes § 521-74 because it did not clearly allege that Plaintiff made a qualifying good-faith complaint, requested repairs, or that a government agency filed a notice or complaint.
6. The FCRA claim failed because the complaint did not allege that any defendant was a consumer reporting agency.

7. The FDCPA claim failed because the complaint did not allege that any defendant was a debt collector engaged in collection of a debt covered by the statute.
8. The complaint failed to satisfy Rule 8 because it did not adequately connect specific alleged conduct to particular claims and defendants.

KEY QUOTATIONS

“A complaint must contain “a short and plain statement” of each claim “showing that the pleader is entitled to relief.”” (Section III)

“Without plausible factual allegations showing that Defendants formed a “group” that “function[ed] as a continuing unit” and “remain[ed] in existence long enough to pursue a course of conduct,” Boyle, 556 U.S. at 948, the Complaint fails to plead the existence of an enterprise.” (Section IV.A.1)

“If Plaintiff files an amended complaint, he must clearly attribute alleged actions to particular Defendants and specify which claims are asserted against which Defendants.” (Section IV.F)

FACTUAL BACKGROUND

Plaintiff lived at Kapilina Beach Homes, managed by Greystar, and received utility bills from Conservice that he alleged reflected inflated usage and charges. He investigated utility meters for more than 90 tenant units and alleged that the investigation revealed widespread fraudulent billing, altered billing patterns, refunds, and the purging of one tenant's utility records. He further alleged that an eviction notice was served shortly after evidence of the alleged scheme began accumulating, despite his having never been late on rent.

PROCEDURAL HISTORY

Greystar filed a motion to dismiss on September 26, 2025. Plaintiff filed an opposition after receiving extensions, and Conservice joined the motion; the court decided the motion without oral argument under Local Rule 7.1(c). The court granted dismissal of all claims, allowing amendment of the RICO, retaliation, and spoliation claims but denying leave to amend the FCRA and FDCPA claims. The court also denied Plaintiff's combined motion for preservation of evidence, expedited discovery, and a protective order.

DISPOSITION

other

CASES CITED

- Epstein v. Wash. Energy Co., 83 F.3d 1136, 1140 (9th Cir. 1996)
- Silverton v. U.S. Dep't of Treasury, 644 F.2d 1341, 1345 (9th Cir. 1981)
- Ashcroft v. Iqbal, 556 U.S. 662, 677–80 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Starr v. Baca, 652 F.3d 1202, 1216 (9th Cir. 2011)
- Van Buskirk v. Cable News Network, Inc., 284 F.3d 977, 980 (9th Cir. 2002)

- Eldridge v. Block, 832 F.2d 1132, 1137 (9th Cir. 1987)
- Brazil v. U.S. Dep't of Navy, 66 F.3d 193, 199 (9th Cir. 1995)
- Schmitt v. Kaiser Found. Health Plan of Wash., 965 F.3d 945, 960 (9th Cir. 2020)
- Lopez v. Smith, 203 F.3d 1122, 1127 (9th Cir. 2000) (en banc)
- Carolina Cas. Ins. Co. v. Team Equip., Inc., 741 F.3d 1082, 1086 (9th Cir. 2014)
- United Bhd. of Carpenters & Joiners of Am. v. Bldg. & Constr. Trades Dept., AFL-CIO, 770 F.3d 834, 837 (9th Cir. 2014)
- Eclectic Props. E. LLC v. Marcus & Millichap Co., 751 F.3d 990, 997 (9th Cir. 2014)
- Boyle v. United States, 556 U.S. 938, 945 (2009)
- Boyle v. United States, 556 U.S. 938, 948 (2009)
- United States v. Busher, 817 F.2d 1409, 1412 (9th Cir. 1987)
- H.J. Inc. v. Nw. Bell Tel. Co., 492 U.S. 229, 239 (1989)
- In re WellPoint Inc. Out-of-Network UCR Rates Litig., 903 F. Supp. 2d 880, 914 (C.D. Cal. 2012)
- Rezner v. Bayerische Hypo-Und Vereinsbank AG, 2008 WL 11346211, at *3 (N.D. Cal. Aug. 13, 2008)
- Matsuura v. E.I. du Pont de Nemours & Co., 102 Haw. 149, 166–68, 73 P.3d 687, 704–06 (2003)
- Jou v. Adalian, 2016 WL 4582042, at *19 (D. Haw. Sept. 1, 2016)
- Ryan v. Herzog, 142 Haw. 278, 286–87, 418 P.3d 619, 627–28 (2018)
- Alexander v. Moore & Assocs., Inc., 553 F. Supp. 948, 949–50 (D. Haw. 1982)
- Mitchell v. Kaiser Found. Health Plan, Inc., 2010 WL 5387712, at *6 (N.D. Cal. Dec. 22, 2010)
- Corazon v. Aurora Loan Servs., LLC, 2011 WL 1740099, at *4 (N.D. Cal. May 5, 2011)
- Ye Jiang v. Zhong Fang, 2021 WL 2895681, at *5 (D. Haw. July 9, 2021)
- Russo v. Fed. Med. Servs., Inc., 744 F. Supp. 3d 914, 922 (N.D. Cal. 2024)