

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII

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

Grant · No. Civ. No. 25-00300 JMS-RT · Decided February 27, 2026

SUMMARY

The United States District Court for the District of Hawaii granted Greystar Real Estate Partners, LLC and Conservice, LLC’s motions to dismiss claims arising from an alleged residential utility-overbilling scheme. The court dismissed the civil RICO, Hawaii retaliatory-eviction, and spoliation claims, granting leave to amend the RICO and retaliation claims but not the spoliation claim. Plaintiff was given until March 27, 2026, to file a second amended complaint.

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	February 27, 2026
DOCKET	Civ. No. 25-00300 JMS-RT
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's amended complaint asserted civil RICO, retaliatory eviction under Hawaii Revised Statutes § 521-74, and spoliation-related claims. Defendants separately moved to dismiss under Federal Rule of Civil Procedure 12(b)(6). The court granted both motions, dismissing all claims, with leave to amend the RICO and retaliation claims and without leave to amend the spoliation claim.
STANDARD OF REVIEW	On a motion to dismiss, the court disregards conclusory allegations, accepts well-pleaded nonconclusory factual allegations as true, and determines whether the complaint plausibly states a claim for relief under Federal Rule of Civil Procedure 8(a)(2). Fraud-based claims must satisfy Rule 9(b)'s requirement that the circumstances constituting fraud be stated with particularity. Pro se filings are liberally construed but must provide defendants with adequate notice.
PRECEDENTIAL VALUE	unpublished district court order; persuasive only

PARTIES

Paul Alpha Grant v. Greystar Real Estate Partners, LLC, Conservice, LLC

TOPICS

motions to dismiss

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PRACTICE AREAS

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racketeering

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QUESTIONS PRESENTED

1. Whether the amended complaint plausibly alleged a civil RICO enterprise and a pattern of racketeering activity based on predicate acts of wire fraud.
2. Whether the amended complaint stated a retaliatory-eviction claim under Hawaii Revised Statutes § 521-74.
3. Whether the amended complaint asserted an independent claim for spoliation of evidence.
4. Whether leave to amend should be granted for the RICO and retaliation claims.

HOLDINGS

1. The amended complaint plausibly alleged the existence of an association-in-fact RICO enterprise because it alleged a common purpose of operating a utility-overbilling scheme, complementary roles, and sufficient continuity and longevity.
2. The amended complaint failed to plausibly allege a pattern of racketeering activity because its wire-fraud allegations did not identify the circumstances of the predicate acts with the particularity required by Federal Rule of Civil Procedure 9(b).
3. The amended complaint failed to state a retaliatory-eviction claim because Plaintiff did not allege that he engaged in protected activity covered by HRS § 521-74 and did not adequately allege other statutory prerequisites.
4. The amended complaint did not assert an independent cause of action for spoliation, and the spoliation claim was dismissed without leave to amend.

KEY QUOTATIONS

“the complaint must identify the who, what, when, where, and how of the alleged fraud.” (Section IV.A.2)

“For the foregoing reasons, the court GRANTS Defendants’ Motions to Dismiss, ECF Nos. 55 & 56, and DISMISSES all claims, WITH LEAVE TO AMEND as to Plaintiff’s RICO and retaliation claims.” (Section V)

FACTUAL BACKGROUND

Plaintiff was a long-term resident of Kapilina Beach Homes, which he alleged was owned or managed by Greystar. Conservice administered a third-party utility billing system that generated monthly tenant utility

charges. After observing allegedly inconsistent charges, Plaintiff reviewed billing records, meter data, and photographs and alleged that some charges materially exceeded observable usage. He further alleged that Defendants altered billing practices, restricted access to records, issued unexplained account adjustments, and took adverse tenancy actions against him.

PROCEDURAL HISTORY

The court previously dismissed all claims in Plaintiff's original complaint on December 22, 2025, granting partial leave to amend. Plaintiff filed an amended complaint on December 23, 2025. Defendants filed separate motions to dismiss, Plaintiff opposed them, and Defendants replied. The court decided the motions without a hearing under Local Rule 7.1(c), granting dismissal and allowing a second amended complaint by March 27, 2026.

DISPOSITION

other

CASES CITED

- Epstein v. Wash. Energy Co., 83 F.3d 1136, 1140 (9th Cir. 1996)
- 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)
- 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 & Joinders of Am. v. Bldg. & Constr. Trades Dep't, 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)
- Fraser v. Team Health Holdings, Inc., 2022 WL 971579, at *11–12 (N.D. Cal. Mar. 31, 2022)
- Edwards v. Marin Park, Inc., 356 F.3d 1058, 1066 (9th Cir. 2004)
- Depot, Inc. v. Caring for Montanans, Inc., 915 F.3d 643, 668 (9th Cir. 2019)
- Salameh v. Tarsadia Hotel, 726 F.3d 1124, 1133 (9th Cir. 2013)
- Almont Ambulatory Surgery Ctr., LLC v. UnitedHealth Grp., Inc., 2015 WL 12778048, at *6, *8 (C.D. Cal. Oct. 23, 2015)
- Cooper v. Picket, 137 F.3d 616, 627 (9th Cir. 1997)
- In re WellPoint Inc. Out-of-Network UCR Rates Litig., 903 F. Supp. 2d 880, 914 (C.D. Cal. 2012)
- Alan Neuman Prods., Inc. v. Albright, 862 F.2d at 1388, 1392 (9th Cir. 1987)
- Bennett v. Williams, 892 F.2d 822, 823 (9th Cir. 1989)

- *Sinclair v. City of Seattle*, 61 F.4th 674, 678 (9th Cir. 2023)
- *Cedillos v. Masumoto*, 136 Haw. 430, 443, 363 P.3d 278, 291 (2015)
- *Groves Inc. v. R.C. Bremer Mktg. Assocs.*, 2024 WL 4871368, at *4 (N.D. Ill. Nov. 22, 2024)

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