

NO. 25335

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

JENNIFER FELIX, by her Mother and Next Friend,
FRANKIE SERVETTI-COLEMAN; et al., Plaintiffs,

vs.

BENJAMIN J. CAYETANO, in his official capacity as Governor
of the State of Hawai'i, et al., Defendants.

CERTIFIED QUESTION
(United States Federal District Court Civ. No. 93-00367 DAE)

ORDER DECLINING CERTIFIED QUESTION
(By: Moon, C.J., Levinson, Nakayama,
Ramil, and Acoba, JJ.)

Upon consideration of the certified question posed by the United States District Court for the District of Hawai'i concerning the Hawai'i Attorney General's representation of parties with adverse interests, it appears that State v. Klattenhoff, 71 Haw. 598, 602-605, 801 P.2d 548, 550-552 (1990); Chun v. Board of Trustees, 87 Hawai'i 152, 167-77, 952 P.2d 1215, 1230-40, (1998); and In re Water Use Permit Applications, 94 Hawai'i 97, 123-26, 9 P.3d 409, 435-38 (2000), provide clearly controlling precedent by which to determine whether, under Hawai'i law, the Office of the Attorney General should be disqualified from representing any or all of the State parties in the proceedings before the United States District Court for the District of Hawai'i. Therefore, pursuant to Rule 13 of the Hawai'i Rules of Appellate Procedure and Hawai'i Revised Statutes section 602-5(2) (1993), we decline to entertain the question.

DATED: Honolulu, Hawai'i, October 4, 2002.