

NO. 27351

IN THE SUPREME COURT OF THE STATE OF HAWAII

COUNTY OF KAUAI BY ITS COUNTY ATTORNEY LANI D.H. NAKAZAWA,
Plaintiff-Appellee

vs.

BRYAN J. BAPTISTE, MAYOR, COUNTY OF KAUAI, MICHAEL H. TRESLER,
DIRECTOR OF FINANCE, COUNTY OF KAUAI AND KAUAI COUNTY COUNCIL,
Defendants-Appellees

and

GORDON G. SMITH, INDIVIDUALLY; WALTER S. LEWIS, IN HIS
CAPACITY AS TRUSTEE OF THE WALTER S. LEWIS REVOCABLE
LIVING TRUST; MONROE F. RICHMAN, TRUSTEE, RICHMAN
FAMILY TRUST; and MING FANG, TRUSTEE, MING FANG TRUST,
Intervenors-Appellants

APPEAL FROM THE FIFTH CIRCUIT COURT
(CIV. NO. 04-1-0124)

ORDER

(By: Duffy, J. for the court¹)

Upon consideration of the: (1) motion to expedite
appeal; (2) motion for stay pending appeal; (3) motion for
injunction pending appeal; and (4) petition for writ of mandamus
filed by Intervenors-Appellants Gordon G. Smith, Walter S. Lewis,
in his capacity as Trustee of the Walter S. Lewis Revocable
Living Trust, Monroe F. Richman, Trustee, Richman Family Trust,
and Ming Fang, Trustee, Ming Fang Trust (Appellants), the papers
in support and opposition, and the records and files herein,

¹ Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.

J.M. RIMANDO
Clerk Appellate Courts
State of Hawaii

2005 JUL -7 PM 2:08

FILED

IT IS HEREBY ORDERED that:

1. The motion to expedite the appeal is denied. Denial of this motion does not preclude the parties from agreeing to an expedited briefing schedule or Appellants from filing their briefs earlier than required by HRAP Rule 28 after the record is transmitted.

2. The motion for stay pending appeal is denied without prejudice to Appellants seeking relief in the court appealed from in the first instance in accordance with HRAP Rule 8(a).

3. The motion for injunction pending appeal is denied without prejudice to Appellants seeking relief in the court appealed from in the first instance in accordance with HRAP Rule 8(a).

4. The petition for a writ of mandamus is denied.

DATED: Honolulu, Hawai'i, July 7, 2005.

Robert H. Thomas
for intervenors-
appellants on the
motion

Pamela A. Fong
for plaintiff-appellee
in opposition

FOR THE COURT:

Kamoa E. Duggs, Jr.

Associate Justice

