

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

---o0o---

PATRICK Y. TAOMAE, BARBARA L. FRANKLIN, GENE BRIDGES,
 NAN KAAUMOANA, A. JORIS WATLAND, GEORGE HARRIS,
 HACKSOON ANDREA LOW, ESTHER SOLOMON, RICHARD G. CHISHOLM,
 MICHAEL J. GOLOJUCH, CHRISTOPHER A. VERLEYE, HEATHER K.L.
 CONAHAN, JULIET BEGLEY, PAMELA G. LICHTY, SHERYL L.
 NICHOLSON, ERIC G. SCHNEDIER, CAROLYN M. GOLOJUCH;
 COLIN YOST, WILLIAM A. HARRISON, NORMAN V. BODE, RODNEY E.
 AIU, RICHARD C. JACKSON, THEODORE N. ISAAC, MARK R. EWALD,
 REV. MICHAEL G. YOUNG, PAULA F. MYERS, LOUIS ROSOF, JOAN H.
 RICH, SUSAN L. ARNETT, PAMELA O'LEARY TOWER, DAVID
 BETTENCOURT, LUNSFORD DOLE PHILLIPS, MARY ANNE SCHEELE,
 RAYMOND SCHEELE, ROBERT P. MCPHERSON, JEAN A. EVANS,
 DONALD E. EVANS, and ARTHUR E. ROSS, Plaintiffs

vs.

LINDA LINGLE, in her official capacity as Governor
 of the State of Hawai'i; and DWAYNE D. YOSHINA, in
 his official capacity as Chief Election Officer
 for the State of Hawai'i, Defendants

NO. 26962

REQUEST FOR ATTORNEYS' FEES AND COSTS

MAY 26, 2006

MOON, C.J., LEVINSON, NAKAYAMA, ACOBA, AND DUFFY, JJ.

ORDER OF AMENDMENT

The opinion of the court filed on April 28, 2006 in the
 above-entitled case, is corrected as follows (deleted material
 are bracketed and corrected material are double underscored):

At page 2, lines 11-12 from the bottom: [It is
 recommended that t] The requested attorneys' fees [be]
are denied, and [that] the requested reimbursement for
 costs [be] is

K. HAMAKADO
 CLERK APPELLATE COURTS
 STATE OF HAWAII

2006 MAY 26 PM 1:33

FILED

At page 9, line 6 from the bottom: [it is recommended that] attorneys' fees under HRS § 607-14.5 [be] are

At page 12, lines 3-4 from the top: therefore, an award of fees based on this argument is [not recommended] denied. First, the matter before this court is not in the

At page 15, line 6 from the top: server exceeds these authorities. [It is recommended that t] The

At page 15, line 8 from the top to page 16, line 1 from the top: [be] is partially granted, the request for costs of a transcript [be] is denied, and the request for costs of service of process [be] is

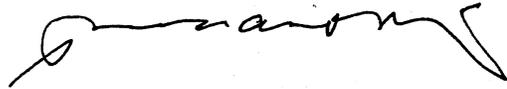
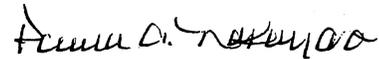
At page 16, line 1 from the bottom to page 17, line 1 from the top and note 20: reasonable amount for such costs, [it is recommended that] this amount [be] is awarded.²⁰ See also HRAP Rule 39(c)(5) (authorizing an

At page 18, lines 10-11 from the top: reimbursement of \$46.87 [should be] is granted.

Accordingly, Plaintiffs [should be allowed] are granted a reduced

²⁰ In addition, HRAP Rule 39 does not preclude the recovery of costs of printing and copying pleadings for the benefit of amicus curiae. Given the reasonableness of providing the legislature with such copies in the present case, [it is recommended that this costs be] this cost is granted.

An amended opinion is being filed concurrently with this order, incorporating the foregoing amendments. The Clerk of the Court is directed to provide a copy of this order and a copy of the amended opinion to the parties and notify the publishing agencies of the changes. The Clerk of the Court is further instructed to distribute copies of this order of amendment to those who received the previously filed opinion.



James E. Duffy, Jr.