

NO. 27374

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

FTW REVOCABLE TRUST, STEPHEN R. HADLEY, and LINDA K. HADLEY,  
Plaintiffs-Appellants-Petitioners,

vs.

ALLAN A. SMITH, in his capacity as Interim Chairperson  
of the Board of Land and Natural Resources (BLNR),  
State of Hawai'i; STEPHEN THOMPSON and WESLEY CHOI,  
individually; the O'AHU DISTRICT MANAGER,  
Division of Boating and Ocean Recreation,  
Department of Land and Natural Resources, State of Hawai'i  
(DOBOR); and the KE'EHĪ HARBOR AGENTS, DOBOR,  
Defendants-Appellees-Respondents.

2007 JUL 23 AM 9:58  
NONIHA T. YARA  
CLERK, APPELLATE COURT  
STATE OF HAWAII

FILED

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(Civ. No. 03-1-1967-09)

ORDER REJECTING APPLICATION FOR WRIT OF CERTIORARI  
(By: Levinson, J., for the court<sup>2</sup>)

Upon consideration of the June 28, 2007 application for  
a writ of certiorari by the plaintiffs-appellants-petitioners FTW  
Revocable Trust, Stephen R. Hadley, and Linda K. Hadley, and the  
June 29, 2007 response by the above-captioned defendants-  
appellees-respondents, the application is hereby rejected.

DATED: Honolulu, Hawai'i, July 23, 2007.

FOR THE COURT:

*Steven H. Levinson*  
STEVEN H. LEVINSON  
Associate Justice



<sup>1</sup> Pursuant to Hawai'i Rule of Appellate Procedure 43, Allan A. Smith is substituted for Peter A. Young, the former BLNR chairperson. Stephen Thompson and Wesley Choi remain parties in their individual capacities and, with respect to the claims against them in their official capacities, they are replaced by their successors in office.

<sup>2</sup> Considered by: Moon, C.J., Levinson, Nakayama, and Acoba, JJ., and Circuit Judge Ayabe, in place of Duffy, J., recused.

R. Steven Geshell,  
for the plaintiffs-appellants-petitioners,  
on the application

William J. Wynhoff,  
Deputy Attorney General, for  
the defendants-appellees-respondents,  
on the response