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STATE OF HAWAII
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NO. 28359

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

PONO, an unincorporated association; WALTER RITTE, JR.; WAYDE LEE; MATTHEW ADOLPHO and JOSEPH KALIPI, as individuals and members of PONO, Petitioners/Plaintiffs/Counterclaim Defendants-Appellants,

and

HALONA KAOPU'IKI, Respondent/Plaintiff/Counterclaim Defendant-Appellee,

vs.

MOLOKAI RANCH, LTD., a Hawai'i corporation, Respondent/Defendant/Counterclaimant-Appellee,

and

JAMES W. MOZLEY, JR.; CHARLES JENCKS, as an individual and in his capacity as Director of the County of Maui, Department of Public Works and Waste Management; LINDA CROCKETT LINGLE, as an individual and in her capacity as Mayor of the County of Maui; COUNTY OF MAUI, a governmental entity, Respondents/Defendants-Appellees.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CIV. NO. 97-0383)

ORDER REJECTING APPLICATION FOR WRIT OF CERTIORARI
(By: Duffy, J., for the court[1])

Petitioners/Plaintiffs/Counterclaim Defendants-Appellants Pono, an unincorporated association, Walter Ritte, Jr., Wayde Lee, Matthew Adolpho, and Joseph Kalipi, as

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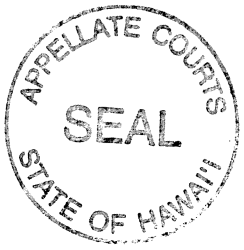
[1] Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.

individuals and members of Pono's application for a writ of certiorari, filed on November 20, 2008, is hereby rejected.

DATED: Honolulu, Hawai'i, December 29, 2008.

FOR THE COURT:



Associate Justice

Alan T. Murakami,
David Kimo Frankel, and
Anthony f. Quan, Jr. (of
Native Hawaiian Legal
Corporation) for petitioners/
plaintiffs/counterclaim
defendants-appellants on the
application

Kenneth R. Kupchak,
Robert H. Thomas, and
Gregory W. Kugle (of
Damon Key Leong Kupchak
Hastert) for respondent/
defendant/counterclaimant-
appellee Molokai Ranch,
Ltd. on the response

Jane E. Lovell,
Deputy Corporation Counsel,
for respondents/defendants-
appellees Charles Jencks,
as an individual and in his
capacity as Director of the
County of Maui, Department of
Public Works and Waste Management;
Linda Crockett Lingle, as an
individual and in her capacity
as Mayor of the County of Maui;
and County of Maui, a governmental
entity, on the response