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2008 JUL 24 AM 11:01
E.M. RIMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

NO. 28845

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

1000 FRIENDS OF KAUAI, a Hawaii non-profit incorporation; RICHARD HOEPPNER, an individual, Petitioners/Plaintiffs-Appellants,

vs.

THE DEPARTMENT OF TRANSPORTATION, STATE OF HAWAII; BARRY FUKUNAGA, in his capacity as Director of the DEPARTMENT OF TRANSPORTATION OF THE STATE OF HAWAII; MICHAEL FORMBY, in his capacity as Director of Harbors of the DEPARTMENT OF TRANSPORTATION OF THE STATE OF HAWAII and HAWAII SUPERFERRY, INC., Respondents/Defendants-Appellees.

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CIV. NO. 07-1-0131)

ORDER DENYING APPLICATION FOR TRANSFER
(By: Moon, C.J. for the court[1])

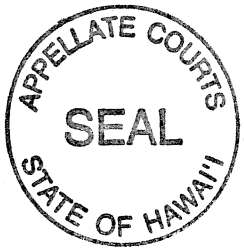
Upon consideration of the application for transfer filed by petitioners/plaintiffs-appellants 1000 Friends of Kauai and Richard Hoeppner, the papers in support and in opposition, and the record, it appears that petitioners's case does not meet the requirements for mandatory or discretionary transfer set forth in HRS §§ 602-58(a)(1) and -58(b)(1) (Supp. 2007). Therefore,

IT IS HEREBY ORDERED that the application for transfer is denied.

DATED: Honolulu, Hawai'i, July 24, 2008.

FOR THE COURT:

Chief Justice



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