

FILED

2008 OCT 14 AM 11:16

E.M. RIMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAII

NO. 29035

IN THE SUPREME COURT OF THE STATE OF HAWAII

THE SIERRA CLUB, a California non-profit corporation registered to do business in the State of Hawaii; MAUI TOMORROW, INC., a Hawaii non-profit corporation; and the KAHULUI HARBOR COALITION, an unincorporated association, Petitioners/Plaintiffs-Appellants/Cross-Appellees/Appellees/Cross-Appellants,

vs.

THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF HAWAII; BRENNON MORIOKA, 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; HAWAII SUPERFERRY, INC., Respondents/Defendants-Appellees/Cross-Appellants/Appellants/Cross-Appellees.

APPEAL AND CROSS-APPEAL FROM THE SECOND CIRCUIT
(CIV. NO. 05-1-0114)

ORDER GRANTING AND ACCEPTING APPLICATION FOR TRANSFER
(By: Moon, C.J. for the court¹)

Upon consideration of the application for transfer filed on September 26, 2008, by petitioners/plaintiffs-appellants/cross-appellees Sierra Club, Maui Tomorrow, Inc., and Kahului Harbor Coalition, the papers in support and in opposition, and the record,

IT IS HEREBY ORDERED that the application for transfer is granted pursuant to HRS § 602-58(a)(1) (Supp. 2007) and

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

accepted pursuant to HRS § 602-58(b)(1) (Supp. 2007). This case is transferred to the supreme court effective the date of this order.

IT IS FURTHER ORDERED that the case will be scheduled for oral argument. The parties will be notified by the appellate clerk regarding scheduling.

DATED: Honolulu, Hawai'i, October 14, 2008.

FOR THE COURT:


Chief Justice

