

NO. 29476

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

JOHN W. ORNELLAS, Plaintiff,

vs.

SOLOMON P. KAHO'OHALAHALA; ROY T. HIRAGA, in his official capacity as the County Clerk of the County of Maui; KEVIN B. CRONIN, in his official capacity as Chief Election Officer of the State of Hawai'i; and DOES 1-20, Defendants.

K. HAMAKADO
CLERK OF APPELLATE COURTS
STATE OF HAWAII

2008 DEC 15 AM 10:48

FILED

ORIGINAL PROCEEDING

ORDER OF DISMISSAL

(By: Moon, C.J., Nakayama, Acoba and Duffy, JJ. and Intermediate Court of Appeals Judge Foley, in place of Levinson, J., recused)

Upon consideration of the complaint filed on November 24, 2008, the amended complaint filed on November 26, 2008, and the motions to dismiss the complaints, it appears that the complaints are styled as election contests brought pursuant to HRS §§ 11-172 (1993) and 11-174.5 (Supp. 2007), but the complaints challenge candidate Solomon Kaho'ohalahala's qualifications to be a member of the Maui County Council. Any challenge to a candidate's qualifications for county office must be pursued in accordance with HRS § 12-8 (Supp. 2007), not HRS §§ 11-172 and 11-174.5. Therefore,

IT IS HEREBY ORDERED that the November 24, 2008 complaint and the November 26, 2008 amended complaint are dismissed.

DATED: Honolulu, Hawai'i, December 15, 2008.

[Signature]
Anna C. Nakayama

[Signature]
Kamae E. Duffy, Jr.
Daniel R. Foley