

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

OFFICE OF HAWAIIAN AFFAIRS, ROWENA AKANA, HAUNANI APOLIONA, DANTE CARPENTER, DONALD CATALUNA, LINDA DELA CRUZ, COLETTE MACHADO, BOYD P. MOSSMAN, OSWALD STENDER, and JOHN WAIHE'E, IV, in their official capacities as members of the Board of Trustees of the Office of Hawaiian Affairs, PIA THOMAS ALULI, JONATHAN KAMAKAWIWO'OLE OSORIO, CHARLES KA'AI'AI, and KEOKI MAKAKAMA KI'ILI, Plaintiffs-Appellants,

vs.

HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAI'I (HCDCH), ROBERT J. HALL, in his capacity as Acting Executive Director of HCDCH, CHARLES STED, Chair, STEPHANIE AVEIRO, FRANCIS L. JUNG, CHARLES KING, LILLIAN B. KOLLER, BETTY LOU LARSON, THEODORE E. LIU, TRAVIS THOMPSON, TAIAPOPO, TUIMALEIALIIFANO, Members of the Board of Directors of HCDCH, State of Hawai'i, and LINDA LINGLE, in her capacity as Governor, State of Hawai'i, Defendants-Appellees.

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 94-4207)

ORDER GRANTING, IN PART, JOINT MOTION TO DISMISS

(By: Moon, C.J., Nakayama, Acoba, and Recktenwald, JJ., and Circuit Judge Chan, in place of Duffy, J., recused)

Upon consideration of plaintiffs-appellants (except for plaintiff-appellant Jonathan Kamakawiwo'ole Osorio) and defendants-appellees' motion to dismiss without prejudice all claims of and to dismiss the appeal of all plaintiffs-appellants, except Osorio, or, in the alternative, for a limited remand to the circuit court for the purpose of effectuating a dismissal without prejudice of all claims of plaintiffs-appellants, except

K. HAMAKAADO
CLERK
APPELLATE COURT
STATE OF HAWAII

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FILED

Osorio [hereinafter, the joint motion], the papers in support thereof, and the record herein,

IT IS HEREBY ORDERED that, to the extent the joint motion seeks to dismiss the appeal of all plaintiffs-appellants, except Osorio, the motion is granted, and plaintiffs-appellants' appeal, except for Osorio's, is dismissed.

DATED: Honolulu, Hawai'i, October 27, 2009.

On the joint motion:

William K. Meheula (of Meheula & Devens LLP) and Hayden Aluli, for plaintiffs-appellants Aluli, Ka'ai'ai, and Ki'ili

Sherry P. Broder, Jon M. Van Dyke, and Melody McKenzie, for plaintiffs-appellants OHA, akana, Apoliona, Cataluna, Heen, Lindsey, Machado, Mossman, Stender, and Waihe'e

Mark J. Bennett, Attorney General, for the State defendants-appellees



William K. Meheula



Sherry P. Broder

