

NO. 27804

IN THE SUPREME COURT OF THE STATE OF HAWAII

SAVE DIAMOND HEAD WATERS LLC., a Hawaii limited liability corporation; KAPIOLANI PARK PRESERVATION SOCIETY, LLC, a Hawaii limited liability corporation; MIKE BEASON, an individual; and RICHARD K. QUINN, an individual, Petitioners/Appellants-Appellees,

vs.

HANS HEDEMANN SURF, INC., Respondent/Appellee-Appellant,

and

CITY AND COUNTY OF HONOLULU, by and through the DEPARTMENT OF PLANNING AND PERMITTING, Respondent/Appellee-Appellee,

and

McINERY FOUNDATION, a Hawaii corporation; and HOTEL KAIMANA, INC., a Hawaii corporation, Respondents/Appellees-Appellees.

K. HAMAKADO  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

2009 MAR 16 PM 3:21

FILED

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(CIV. NO. 05-1-1145)

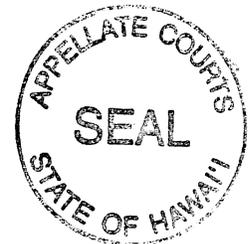
ORDER ACCEPTING APPLICATION FOR WRIT OF CERTIORARI  
(By: Duffy, J., for the court<sup>1</sup>)

Petitioners/Appellants-Appellees' application for writ of certiorari, filed on February 5, 2009, is hereby accepted and will be scheduled for oral argument. The parties will be notified by the appellate clerk regarding scheduling.

DATED: Honolulu, Hawai'i, March 16, 2009.

Dane L. Miller and  
Wilma Sur (of Miller  
Tokuyama & Sur, LLP)  
for petitioners/appellants-  
appellees on the application

FOR THE COURT:  
*Dane E. Duffy, Jr.*  
Associate Justice



<sup>1</sup> Considered by: Moon, C.J., Nakayama, Acoba, Duffy, JJ., and Circuit Judge Alm, assigned by reason of vacancy.

William W.L. Yuen and  
Philip W.T. Chang  
(of Ching, Yuen & Morikawa)  
for respondent/appellee-  
appellant Hans Hedemann Surf,  
Inc. on the response

Don S. Kitaoka,  
Deputy Corporation Counsel,  
for respondent/appellee-  
appellee City and County of  
Honolulu, by and through the  
Department of Planning  
and Permitting on the joinder