

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

COLLEEN HANABUSA, Individually and in her capacity as  
Senate President and NORMAN SAKAMOTO, Individually  
and in his capacity as Chair of the Senate  
Committee on Education, Petitioners,

vs.

LINDA LINGLE, Governor, State of Hawai'i, Respondent.

CLERK OF THE SUPREME COURT  
STATE OF HAWAII  
L. TRINIDADO

2009 JAN 20 PM 1:26

FILED

ORIGINAL PROCEEDING

ORDER

(By: Moon, C.J., Nakayama, Acoba, and Duffy, JJ.<sup>1</sup>)

Upon consideration of Respondent Governor Linda Lingle's "motion to amend order filed December 4, 2008 to permit additional time to appoint the second at-large regent of the University of Hawaii" and the papers in support, in opposition, and in reply,

IT IS HEREBY ORDERED that the motion to amend the December 4, 2008 order is denied. Respondent shall, within five days of the date of this order, nominate the second at-large regent of the University of Hawaii from the list of qualified candidates duly presented to respondent on February 21, 2008 by the Candidate Advisory Council.

DATED: Honolulu, Hawai'i, January 20, 2009.

  
Puna C. Nakayama  
  
Kamea E. Duffy, Jr.

<sup>1</sup> Associate Justice Levinson, who heard oral argument in this case, retired from the bench on December 30, 2008. See Hawai'i Revised Statutes § 602-10 (Supp. 2007) ("After oral argument of a case, if a vacancy arises . . . the case may be decided or disposed of upon the concurrence of any three members of the court without filling the vacancy or the place of such justice.").