

* * * NOT FOR PUBLICATION * * *
in West's Hawai'i Reports and the Pacific Reporter

NO. 26463

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STEPHANIE C. STUCKY, Petitioner/Plaintiff-Appellant,

vs.

PAUL R. BROWN, in his official capacity as Interim Superintendent, Department of Education, State of Hawai'i; DEPARTMENT OF EDUCATION, STATE OF HAWAI'I; ELIZABETH AYSON, Individually and in her official capacity as Principal, Iao Intermediate School; NOEL KURAYA, in his official capacity as an employee of Department of Education, State of Hawai'i; Respondents/Defendants-Appellees

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CIV. NO. 99-0068(3))

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, Nakayama, and Duffy, JJ.;
Acoba, J., Concurring and Dissenting Separately)

Petitioner/plaintiff-appellant Stephanie C. Stucky filed an application for writ of certiorari on February 27, 2007,¹ seeking review of the Intermediate Court of Appeals' (ICA) summary disposition order, filed November 13, 2006, and order denying motion for reconsideration, filed November 30, 2006,² affirming the March 8, 2004 final judgment of the Circuit Court of the Second Circuit³ in favor of respondents/defendants-

¹ Stucky's application was accepted by this court on April 10, 2007, and oral arguments were held on May 23, 2007.

² The ICA's Judgment on Appeal was filed November 30, 2006.

³ The Honorable Joseph E. Cardoza presided over the underlying case.

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FILED

JAMES M. ANDERSON
CLERK OF THE SUPREME COURT OF HAWAII

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appellees Paul R. Brown, in his official capacity as Interim Superintendent, Department of Education, State of Hawai'i; Department of Education, State of Hawai'i; Elizabeth Ayson, Individually and in her official capacity as Principal, Iao Intermediate School; Noel Kuraya, in his official capacity as an employee of Department of Education, State of Hawai'i.

Upon carefully reviewing the record, including the briefs submitted, the application for writ of certiorari, and the papers in opposition thereto, and having given due consideration to the arguments advanced therein and at oral argument,

IT IS HEREBY ORDERED that the ICA's November 30, 2006 judgment on appeal is affirmed.

DATED: Honolulu, Hawai'i, May 31, 2007.

Mary Blaine Johnston (on the brief), for petitioner/
plaintiff-appellant

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(Dorothy Seller, with her
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