

NO. 28055

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

D.R. PARTNERS, dba The Hawaii Tribune-Herald and West Hawaii Today, a Nevada general partnership, Petitioner,

vs.

CLERK OF THE CIRCUIT COURT OF THE THIRD CIRCUIT, STATE OF HAWAI'I; the Honorable GEORGE M. MASUOKA, Judge of the Circuit Court of the Fifth Circuit, State of Hawai'i, Respondents.

ORIGINAL PROCEEDING
(Civil. No. 04-1-0211)

ORDER

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

K. HAMAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2006 SEP -6 AM 8:52

FILED

Upon consideration of the petition for a writ of mandamus and/or prohibition filed by petitioner D.R. Partners, dba The Hawaii Tribune Herald and West Hawaii Today, the papers in support and the answers of the respondents, it appears that the presumption of openness of judicial proceedings and records requires respondents to demonstrate that strong countervailing reasons weigh against the public's presumptive right of general access to the record of Civil No. 04-1-0211. In re Estate of Campbell, 106 Hawai'i 453, 465, 106 P.3d 1096, 1108 (2005). Respondents fail to demonstrate that such strong countervailing reasons exist. Therefore,

IT IS HEREBY ORDERED that the petition for a writ of mandamus and/or prohibition is granted as to issuance of a writ

of prohibition. Effective the date of this order, the respondent judge and the clerk of the third circuit court are prohibited from further enforcing the April 11, 2006 stipulation temporarily sealing the record of Civil No. 04-1-0211.

DATED: Honolulu, Hawai'i, September 6, 2006.

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