

NO. 28845

IN THE SUPREME COURT OF THE STATE OF HAWAII

ENL. RIMANDO  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

2008 JUL 24 AM 11:01

FILED

1000 FRIENDS OF KAUAI, a Hawaii non-profit incorporation;  
RICHARD HOEPPNER, an individual,  
Petitioners/Plaintiffs-Appellants,

vs.

THE DEPARTMENT OF TRANSPORTATION, STATE OF HAWAII; BARRY  
FUKUNAGA, in his capacity as Director of the DEPARTMENT OF  
TRANSPORTATION OF THE STATE OF HAWAII; MICHAEL FORMBY, in his  
capacity as Director of Harbors of the DEPARTMENT OF  
TRANSPORTATION OF THE STATE OF HAWAII and HAWAII SUPERFERRY,  
INC., Respondents/Defendants-Appellees.

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
(CIV. NO. 07-1-0131)

ORDER DENYING APPLICATION FOR TRANSFER  
(By: Moon, C.J. for the court<sup>1</sup>)


Upon consideration of the application for transfer  
filed by petitioners/plaintiffs-appellants 1000 Friends of Kauai  
and Richard Hoepfner, the papers in support and in opposition,  
and the record, it appears that petitioners's case does not meet  
the requirements for mandatory or discretionary transfer set  
forth in HRS §§ 602-58(a)(1) and -58(b)(1) (Supp. 2007).

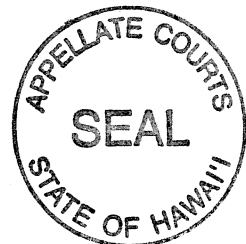
Therefore,

IT IS HEREBY ORDERED that the application for transfer  
is denied.

DATED: Honolulu, Hawai'i, July 24, 2008.

FOR THE COURT:

  
Chief Justice



<sup>1</sup> Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.