

2008 DEC 29 PM 1:13

NORMA T. YARA  
CLERK APPELLATE COURTS  
STATE OF HAWAII

*Jean Kikumoto*

FILED

NO. 28359

IN THE SUPREME COURT OF THE STATE OF HAWAII

PONO, an unincorporated association; WALTER RITTE, JR.;  
WAYDE LEE; MATTHEW ADOLPHO and JOSEPH KALIPI,  
as individuals and members of PONO,  
Petitioners/Plaintiffs/Counterclaim Defendants-Appellants,

and

HALONA KAOPU'IKI,  
Respondent/Plaintiff/Counterclaim Defendant-Appellee,

vs.

MOLOKAI RANCH, LTD., a Hawai'i corporation,  
Respondent/Defendant/Counterclaimant-Appellee,

and

JAMES W. MOZLEY, JR.; CHARLES JENCKS, as an individual and in his  
capacity as Director of the County of Maui, Department of Public  
Works and Waste Management; LINDA CROCKETT LINGLE, as an  
individual and in her capacity as Mayor of the County of Maui;  
COUNTY OF MAUI, a governmental entity,  
Respondents/Defendants-Appellees.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(CIV. NO. 97-0383)

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

Petitioners/Plaintiffs/Counterclaim Defendants-  
Appellants Pono, an unincorporated association, Walter Ritte,  
Jr., Wayde Lee, Matthew Adolpho, and Joseph Kalipi, as

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

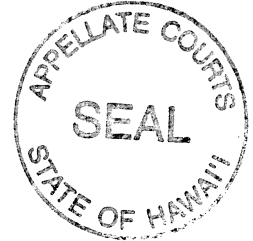
individuals and members of Pono's application for a writ of certiorari, filed on November 20, 2008, is hereby rejected.

DATED: Honolulu, Hawai'i, December 29, 2008.

FOR THE COURT:

*Kama E. Subbs, Jr.*

Associate Justice



Alan T. Murakami,  
David Kimo Frankel, and  
Anthony f. Quan, Jr. (of  
Native Hawaiian Legal  
Corporation) for petitioners/  
plaintiffs/counterclaim  
defendants-appellants on the  
application

Kenneth R. Kupchak,  
Robert H. Thomas, and  
Gregory W. Kugle (of  
Damon Key Leong Kupchak  
Hastert) for respondent/  
defendant/counterclaimant-  
appellee Molokai Ranch,  
Ltd. on the response

Jane E. Lovell,  
Deputy Corporation Counsel,  
for respondents/defendants-  
appellees Charles Jencks,  
as an individual and in his  
capacity as Director of the  
County of Maui, Department of  
Public Works and Waste Management;  
Linda Crockett Lingle, as an  
individual and in her capacity  
as Mayor of the County of Maui;  
and County of Maui, a governmental  
entity, on the response