

NO. 25570

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

EM. RINWANDO  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

2009 MAY 15 AM 8:38

FILED

OFFICE OF HAWAIIAN AFFAIRS, ROWENA AKANA, HAUNANI APOLIONA, DANTE CARPENTER, DONALD CATALUNA, LINDA DELA CRUZ, COLETTE MACHADO, BOYD P. MOSSMAN, OSWALD STENDER, and JOHN WAIHE'E, IV, in their official capacities as members of the Board of Trustees of the Office of Hawaiian Affairs, PIA THOMAS ALULI, JONATHAN KAMAKAWIWO'OLE OSORIO, CHARLES KA'AI'AI, and KEOKI MAKAKAMA KI'ILI, Plaintiffs-Appellants,

vs.

HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAI'I (HCDCH), ROBERT J. HALL, in his capacity as Acting Executive Director of HCDCH, CHARLES STED, Chair, STEPHANIE AVEIRO, FRANCIS L. JUNG, CHARLES KING, LILLIAN B. KOLLER, BETTY LOU LARSON, THEODORE E. LIU, TRAVIS THOMPSON, TAIAPOPO, TUIMALEIALIIFANO, Members of the Board of Directors of HCDCH, State of Hawai'i, and LINDA LINGLE, in her capacity as Governor, State of Hawai'i, Defendants-Appellees.

APPEAL FROM THE FIRST CIRCUIT COURT  
(CIV. NO. 94-4207)

NOTICE REGARDING REOPENING OF APPEAL NO. 25570  
AND ORDER TO TRANSMIT TRIAL RECORDS TO THE  
HAWAI'I SUPREME COURT

(By: Moon, C.J., for the court<sup>1</sup>)

TO THE HONORABLE SABRINA MCKENNA, Judge of the Circuit court of the First Circuit, and the CLERK OF THE CIRCUIT COURT OF THE FIRST CIRCUIT:

PLEASE TAKE NOTICE that the March 24, 2008 Judgment on appeal, entered in the above-captioned case by the Supreme Court of Hawai'i, was reversed and remanded by order of the Supreme

<sup>1</sup> Considered by: Moon, C.J., Nakayama, Acoba, and Recktenwald, JJ., and Circuit Judge Chan, in place of Duffy, J., recused.

Court of the United States on March 31, 2009. Therefore, Hawai'i Appeal No. 25570 is reopened for further consideration in light of the United States Supreme Court's mandate. Another disposition and Judgment on Appeal will be entered following this court's further consideration.

IT IS FURTHER ORDERED that the Clerk of the Circuit Court of the First Circuit shall forthwith re-transmit the record on appeal for Civ. No. 94-4207.

DATED: Honolulu, Hawai'i, May 15, 2009.

FOR THE COURT:

  
Chief Justice

