

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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 Governor, State of Hawai'i, Defendants-Appellees.

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

ORDER DENYING DEFENDANTS-APPELLEES' MOTION TO DISMISS
(By: Moon, C.J., Nakayama, Acoba, and Recktenwald, JJ.;
and Circuit Judge Chan, in place of Duffy, J., recused)

Upon consideration of defendants-appellees' motion to effectively dismiss the appeal of plaintiff-appellant Jonathan Kamakawiwo'ole Osorio, the papers in support thereof, in opposition thereto, and the record herein,

S. K. HAMAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2009 OCT 27 PM 1:38

FILED

IT IS HEREBY ORDERED that the motion is denied.


DATED: Honolulu, Hawai'i, October 27, 2009.

Mark J. Bennett, Attorney
General, and William J.
Wynhoff, Deputy Attorney
General, for the State
defendants-appellees, on the
motion

Yuklin Aluli, Richard Naiwieha
Wurdeman, Mililani Trask, and
Dexter K. Kaiama, for
plaintiff-appellant Osorio, in
opposition



Paul C. Takayama



Min E. Redmond



No. 25570 Office of Hawaiian Affairs v. Housing and Community
Development Corporation of Hawai'i -- Order
Denying Defendants-Appellees' Motion to Dismiss