

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, TAIAOPO, 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)

ORDER OF AMENDMENT
(By Moon, C.J., for the court¹)

IT IS HEREBY ORDERED that the opinion of the court, filed October 27, 2009, shall be amended as follows:

1. Page 9, third line above block quote: The reference to "Pele Defense Fund v. Paty [hereinafter, PDF]" is amended to read "Pub. Access Shoreline Hawai'i v. Hawai'i County Planning Comm'n [hereinafter, PASH]";

2. Page 10, line three in block quote: The reference to "PDF" is amended to read "PASH";

¹ Court: Moon, C.J., Nakayama, Acoba, and Recktenwald, JJ., and Circuit Judge Chan, in place of Duffy, J., recused.

3. Page 14, line four: The reference to "PDF, 73 Haw. at 601, 837 P.2d at 1262" is amended to read "Pele Defense Fund v. Paty [hereinafter, PDF], 73 Haw. 578, 601, 837 P.2d 1247, 1262 (1992)";

3. Page 19, third line above block quote: The reference to "Public Access Shoreline Hawai'i v. Hawai'i County Planning Commission [hereinafter, PASH], 79 Hawai'i 524, 903 P.2d 1246 (1995)" is amended to read "PASH"; thus, the phrase reads, "This court, in PASH, expressly stated that:";

4. Page 22, first line after block quote: The reference to "Id." is amended to read "PDF, 73 Haw."; and

5. Page 24, sixth line: The reference to "PDF, 79 Hawai'i" is amended to read "PDF, 73 Haw."

Copies of pages 9-10, 14-19, 22, and 24 with the aforementioned amendments incorporated therein are attached hereto. The original pages are being provided to the Clerk of the Court with instructions to replace the affected pages in the original opinion filed October 27, 2009.

The Clerk of the Court is also directed to take all necessary steps to notify the publishing companies of these changes.

DATED: Honolulu, Hawai'i, November 24, 2009.

FOR THE COURT:

Chief Justice