

NO. 27912

IN THE SUPREME COURT OF THE STATE OF HAWAII

K. HAMAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2010 AUG 16 PM 3:32

FILED

DAVID GARNER; PATRICIA SMITH; ANDREA CHRISTIE; ALLAN KLITERNICK;
KAREN SOUZA; JO JENNIFER GOLDSMITH; and DAVID HUDSON,
on behalf of themselves and all others similarly situated,
Respondents-Petitioners/Plaintiffs-Appellants/Cross-Appellees,

vs.

STATE OF HAWAII DEPARTMENT OF EDUCATION,
Petitioner-Respondent/Defendant-Appellee/Cross-Appellant
(CIV. NO. 03-1-0305)

ALLAN KLITERNICK; DAVID GARNER; JO JENNIFER GOLDSMITH;
and DAVID HUDSON,
individually and on behalf of all others similarly situated,
Respondents-Petitioners/Plaintiffs-Appellants/Cross-Appellees,

vs.

KATHRYN MATAYOSHI, in her official capacity as Interim
Superintendent of Schools; DONNA IKEDA, MARY COCHRAN, MAGGIE COX,
BRENE HARIMOTO, KIM COCO IWAMOTO, LEI AHU ISA, KAREN KNUDSEN,
CAROL MON LEE, EILEEN CLARKE, JOHN PENEBACKER, GARRETT TOGUCHI,
HERBERT WATANABE, and JANIS AKUNA,
in their official capacities as members of the STATE OF HAWAII
BOARD OF EDUCATION, STATE OF HAWAII,
Petitioners-Respondents/Defendants-Appellees/Cross-Appellants.
(CIV. NO. 05-1-0031)

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CIV. NOS. 03-1-0305; 05-1-0031)

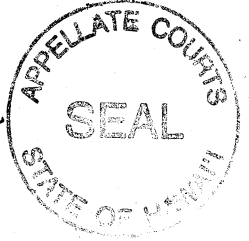
ORDER REJECTING APPLICATION FOR WRIT OF CERTIORARI
(By: Nakayama, J., for the court¹)

Petitioner State of Hawaii's application for writ of certiorari filed on July 20, 2010, is hereby rejected.

DATED: Honolulu, Hawai'i, August 16, 2010.

FOR THE COURT:

Paula A. Nakayama
Associate Justice



Mark J. Bennett, Attorney
General, Dorothy Sellers,
Solicitor General, and William J.
Wynhoff, Deputy Attorney General,
for Petitioner State of Hawaii
on the application

¹Considered by: Nakayama, Acting C.J., Acoba and Duffy, JJ., Circuit Judge Wilson, in place of Moon, C.J., recused, and Circuit Judge Chan, in place of Acoba, J., recused.