

**Electronically Filed
Supreme Court
SCWC-29032
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NO. SCWC-29032

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

MAUNA KEA ANAINA HOU, ROYAL ORDER OF KAMEHAMEHA I, SIERRA CLUB,
HAWAII CHAPTER and CLARENCE CHING,
Petitioners/Plaintiffs-Appellees/Cross-Appellants,

vs.

UNIVERSITY OF HAWAI‘I INSTITUTE FOR ASTRONOMY,
Respondent/Defendant-Appellant/Cross-Appellee,

and

BOARD OF LAND AND NATURAL RESOURCES, HARRY FERGESTROM, and
HAWAI‘I ISLAND ECONOMIC DEVELOPMENT BOARD, INC.,
Respondents/Defendants-Appellees.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(ICA NO. 29032; CIV. NO. 04-1-0397)

AMENDED ORDER REJECTING APPLICATION FOR WRIT OF CERTIORARI
(By: Recktenwald, C.J. Nakayama, Duffy, and McKenna, JJ.
and Circuit Judge Ahn, in place of Acoba, J., recused)

Petitioners/Plaintiffs-Appellees/Cross-Appellants Mauna
Kea Anaina Hou, Royal Order of Kamehameha I, Sierra Club, Hawai‘i

Chapter and Clarence Ching's application for writ of certiorari filed on September 14, 2011, is hereby rejected.

DATED: Honolulu, Hawai'i, October 27, 2011.

Paul Alston, Blake Oshiro and Shannon M.I. Lau of Alston Hunt Floyd & Ing and Dexter K. Kaiama for petitioners on the application

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ James E. Duffy, Jr.

David M. Louie, Attorney General of Hawai'i, Robert T. Nakatsuji and Deirdre Marie-Iha, Deputy Solicitors General, for respondent Board of Land and Natural Resources on the response

/s/ Sabrina S. McKenna

/s/ Karen S. S. Ahn



Darolyn H. Lendio, University General Counsel, Bruce Y. Matsui, Office of the General Counsel, and Lisa Woods Munger, Lisa A. Bail and Abigail M. Holden of Goodsill Anderson Quinn & Stifel for respondent University of Hawai'i Institute for Astronomy on the response