

IN THE SUPREME COURT OF THE STATE OF HAWAII

STATE OF HAWAII, by its Attorney General,
Respondent/Plaintiff/Counterclaim Defendant/Cross-Claim
Defendant-Appellant,

vs.

EARTHJUSTICE,
Petitioner/Defendant/Counterclaimant-Appellee,

and

EARTHJUSTICE LEGAL DEFENSE FUND and DAVID L. HENKIN,
Respondents/Defendants-Appellees,

and

PILA A 400, LLC and PFLUEGER PROPERTIES,
Respondents/Plaintiffs-Intervenors/Cross-Claimants-Appellees.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CIV. NO. 03-1-1203)

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

Petitioner's application for writ of certiorari filed
on November 30, 2009, is hereby rejected.

DATED: Honolulu, Hawaii, January 12, 2010.

FOR THE COURT:

Associate Justice

Paul H. Achitoff and
Koalani L. Kaulukukui
of Earthjustice for
petitioners on the application

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