

NO. 27912

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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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,  
Petitioners/Plaintiffs-Appellants/Cross-Appellees,

vs.

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

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

vs.

KATHRYN MATAYOSHI, in her official capacity as Interim  
Superintendent of Schools; DONNA IKEDA, MARY COCHRAN, MAGGIE COX,  
BREENE 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 HAWAI'I  
BOARD OF EDUCATION, STATE OF HAWAI'I,  
Respondents/Defendants-Appellees/Cross-Appellants.  
(CIV. NO. 05-1-0031)

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

E.M. RIMANDO  
CLERK, APPELLATE COURTS  
STATE OF HAWAI'I

2010 MAY 26 AM 8:53

FILED

ORDER REJECTING APPLICATION FOR WRIT OF CERTIORARI

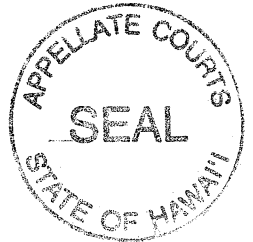
(By: Nakayama, J., for the court<sup>1</sup>)

Petitioners' application for writ of certiorari filed on April 14, 2010, is hereby rejected.

DATED: Honolulu, Hawai'i, May 26, 2010.

FOR THE COURT:

*Pamela C. Recktenwald*  
Associate Justice



Paul Alston, Peter S.  
Knapman and Mei-Fei Kuo  
of Alston Hunt Floyd & Ing,  
Eric G. Ferrer and  
Murray T. S. Lewis  
(*pro hac vice*) for  
petitioners on the . .  
application

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<sup>1</sup>Considered by: Moon, C.J., Nakayama, Duffy, and Recktenwald, JJ. and Circuit Judge Chan, in place of Acoba, J., recused.