

**Electronically Filed
Supreme Court
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SCWC-12-0000061

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

DANA NAONE HALL,
Respondent/Plaintiff-Appellant,

vs.

DEPARTMENT OF LAND AND NATURAL RESOURCES,
BOARD OF LAND AND NATURAL RESOURCES, WILLIAM J. AILA,
JR., in his official capacity as chairperson of the
Board of Land and Natural Resources and as the State
Historic Preservation Officer, PUAALAOKALANI AIU
in her official capacity as administrator of the State
Historic Preservation Division, DEPARTMENT OF HEALTH,
LORETTA J. FUDDY in her official capacity as the Director
of the Department of Health, ALVIN T. ONAKA in his official
capacity as State Registrar of Vital Statistics and
Chief of the Department of Health's Office of Health
Status Monitoring, KAWAIAHA‘O CHURCH, WILLIAM HAOLE
in his official capacity as the Chair of the Board of Trustees
and Chair of the Board of Directors of Kawaiaha‘o Church,
Petitioners/Defendants-Appellees.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-12-0000061; CIV. NO. 09-1-1828-08)

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI
(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack, JJ.)

Petitioner/defendant-appellee's Kawaiaha‘o Church and
William Haole, in his official capacity as the Chair of the Board
of Trustees and Chair of the Board of Directors of Kawaiaha‘o

Church, seek review of the ICA's September 28, 2012 order granting Respondent/plaintiff-appellant Dana Naone Hall's second motion for a preliminary injunction pending appeal and the October 12, 2012 order denying their motion for reconsideration of the injunction order. Neither the injunction order nor the reconsideration order are reviewable by this court by application for a writ of certiorari. See HRS § 602-59(a) (Supp. 2011). Therefore,

IT IS HEREBY ORDERED that the application for a writ of certiorari is dismissed.

DATED: Honolulu, Hawai'i, December 11, 2012.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

