

**Electronically Filed
Supreme Court
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NO. SCAP-11-0000611

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

PAULETTE KA‘ANOHIOKALANI KALEIKINI,
Petitioner/Plaintiff-Appellant,

vs.

WAYNE YOSHIOKA, in his official capacity as Director of the City and County of Honolulu’s Department of Transportation Services; CITY AND COUNTY OF HONOLULU; HONOLULU CITY COUNCIL; PETER CARLISLE, in his official capacity as Mayor; CITY AND COUNTY OF HONOLULU DEPARTMENT OF TRANSPORTATION SERVICES; CITY AND COUNTY OF HONOLULU DEPARTMENT OF PLANNING AND PERMITTING; WILLIAM J. AILA, JR., in his official capacity as Chairperson of the Board of Land and Natural Resources and state historic preservation officer; PUA‘ALAOKALANI AIU, in her official capacity as administrator of the State Historic Preservation Division; BOARD OF LAND AND NATURAL RESOURCES; DEPARTMENT OF LAND AND NATURAL RESOURCES; NEIL ABERCROMBIE, in his official capacity as Governor; and O‘AHU ISLAND BURIAL COUNCIL, Respondents/Defendants-Appellees.

(CIV. NO. 11-1-0206-01)

ORDER DENYING MOTION FOR RECONSIDERATION

(By: Recktenwald, C.J., Nakayama, and McKenna, JJ.; Circuit Judge Browning, in place of Acoba, J., recused; and Circuit Judge To‘oto‘o, in place of Duffy, J., recused)

Upon consideration of the Motion to Reconsider, Modify and/or Clarify Opinion filed by Respondents/Defendants-Appellees

Wayne Yoshioka in his official capacity as Director of the City and County of Honolulu's Department of Transportation Services, City and County of Honolulu, Honolulu City Council, Peter Carlisle in his official capacity as Mayor, City and County of Honolulu Department of Transportation Services, and City and County of Honolulu Department of Planning and Permitting (collectively "City respondents") on September 4, 2012; the Amicus Curiae Brief filed by Faith Action for Community Equity and Pacific Resource Partnership on September 10, 2012; and Petitioner/Plaintiff-Appellant's memoranda in opposition thereto,

IT IS HEREBY ORDERED that the motion is denied.

DATED: Honolulu, Hawai'i, September 27, 2012.

Robert C. Godbey, Don S. Kitaoka, Gary Y. Takeuchi, John P. Manaut and Lindsay N. McAneeley for City respondents

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

David Kimo Frankel and Ashley K. Obrey, for petitioner

/s/ R. Mark Browning

/s/ Fa'auuga To'oto'o



William Meheula and Keani Alapa for Faith Action for Community Equity and Pacific Resource Partnership