

NO. 27912

IN THE SUPREME COURT OF THE STATE OF HAWAII

K. HAMAKADO  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

2010 AUG 16 PM 3:32

FILED

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,  
Respondents-Petitioners/Plaintiffs-Appellants/Cross-Appellees,

vs.

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

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

vs.

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

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

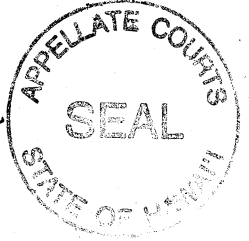
ORDER REJECTING APPLICATION FOR WRIT OF CERTIORARI  
(By: Nakayama, J., for the court<sup>1</sup>)

Petitioner State of Hawaii's application for writ of certiorari filed on July 20, 2010, is hereby rejected.

DATED: Honolulu, Hawai'i, August 16, 2010.

FOR THE COURT:

*Paula A. Nakayama*  
Associate Justice



Mark J. Bennett, Attorney  
General, Dorothy Sellers,  
Solicitor General, and William J.  
Wynhoff, Deputy Attorney General,  
for Petitioner State of Hawaii  
on the application

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