

**Electronically Filed
Supreme Court
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IN THE SUPREME COURT OF THE STATE OF HAWAI'I

SANDRA KATO-KLUTKE, in her official capacity as a member
of the Agribusiness Development Corporation, and
CHAD McDONALD, in his official capacity as a Commissioner
of the Land Use Commission, Petitioners,

vs.

THE HONORABLE RHONDA NISHIMURA, Circuit Judge of the Circuit
Court of the First Circuit, State of Hawai'i, Respondent Judge,

and

HAWAI'I STATE ETHICS COMMISSION and
PEER NEWS LLC, dba Civil Beat, Respondents.

ORIGINAL PROCEEDING
(Civil No. 14-1-2022-09)

ORDER GRANTING PETITION FOR WRIT OF MANDAMUS
AND WRIT OF PROHIBITION

(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

Upon consideration of Petitioners' petition for writ of mandamus and writ of prohibition, filed on January 7, 2015 ("Petition"), Respondent State of Hawaii Ethics Commission's response, filed February 17, 2015, Respondent Peer News LLC, dba Civil Beat's answer, filed February 20, 2015, the respective supporting documents, and the record, it appears that, Petitioners claim they will suffer irreparable harm if the

circuit court's December 31, 2014 "Order Granting Plaintiff Peer News LLC's Motion for Preliminary Injunction Filed September 25, 2014" ("the Order") is not stayed pending appellate review, while Respondent Peer News LLC, dba Civil Beat claims it will suffer irreparable harm if the Order is stayed. It does not appear, however, that the circuit court has made a final determination on the merits of the underlying case. A temporary stay is therefore warranted to preserve the status quo until a final judgment on the merits is entered by the circuit court. Accordingly,

IT IS HEREBY ORDERED that the Petition is granted to the extent the Order requires the release of financial disclosure statements filed prior to the effective date of Act 230. Enforcement of the Order is temporarily stayed until the conclusion of the circuit court proceeding, which disposition should proceed in a prompt manner. The parties may seek a further stay during the pendency of an appeal, if any, as appropriate.

DATED: Honolulu, Hawai'i, May 6, 2015.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

