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Intermediate Court of Appeals
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NO. CAAP-24-0000074

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

FRIENDS OF HA'IKŪ STAIRS, a 501(c)(3) nonprofit corporation;
DR. KATRENA KENNEDY, an individual;
RANDALL KENNEDY, an individual;
DONALD KAMALANI MAIWA PUA III, an individual;
BILL SAGER, an individual; ERNEST SHIH, an individual; and
RICHARD TUGGLE, an individual, Plaintiffs-Appellants, v.
CITY AND COUNTY OF HONOLULU, Defendant-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1CCV-23-0001022)

ORDER FOR TEMPORARY INJUNCTION

(By: Leonard, Acting Chief Judge, for the court¹)

Upon preliminary consideration of Plaintiffs-Appellants Friends of Ha'ikū Stairs, Dr. Katrena Kennedy, Randall Kennedy, Donald Kamalani Maiwa Pua III, Bill Sager, Ernest Shih and Richard Tuggle's June 10, 2024 Emergency Motion for Injunction Pending Appeal To Prevent Imminent and Irreparable Destruction of The Ha'ikū Stairs (**Motion for Injunction Pending Appeal**), the papers in support, the memorandum in opposition and papers filed by Defendant-Appellee City and County of Honolulu (**City**) on June 18, 2024, and the record, and in order to maintain the status quo pending this court's further review,

IT IS HEREBY ORDERED that the Motion for Injunction Pending Appeal is temporarily granted in part as follows:

¹ Leonard, Acting Chief Judge, Hiraoka and McCullen, JJ.

The City is hereby enjoined from altering, demolishing, or removing all or any part of the Ha'ikū Stairs – directly or indirectly through its agents, representatives, employees, agencies, and/or contractors – pending this court's entry of a further order on the Motion for Injunction Pending Appeal.

A hearing on the Motion for Injunction Pending Appeal will be set as soon as practicable. The parties should be prepared to address, *inter alia*, the City's request for a supersedeas bond as a condition for granting the motion. See Kelepolo v. Fernandez, 148 Hawai'i 182, 192, 468 P.3d 196, 206 (2020) ("[A] court should consider the amount recoverable for the use and detention of the property, the costs of the action, costs on appeal, interest, and damages for delay when setting a supersedeas bond amount.").

DATED: Honolulu, Hawai'i, June 20, 2024.

FOR THE COURT:

/s/ Katherine G. Leonard
Acting Chief Judge