

**Electronically Filed
Supreme Court
SCAP-22-0000557
11-OCT-2024
11:53 AM
Dkt. 43 OCOR**

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

---o0o---

WILLIE KAUPIKO; KA'IMI KAUPIKO; MIKE NAKACHI; FOR THE FISHES;
CENTER FOR BIOLOGICAL DIVERSITY; and KAI PALAOA,
Plaintiffs-Appellants/Cross-Appellees,

vs.

BOARD OF LAND AND NATURAL RESOURCES, STATE OF HAWAI'I; and
DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAI'I,
Defendants-Appellees/Cross-Appellants,

and

PET INDUSTRY JOINT ADVISORY COUNCIL,
Defendant-Intervenor-Appellee/Cross-Appellee.

SCAP-22-0000557

APPEAL FROM THE ENVIRONMENTAL COURT OF THE FIRST CIRCUIT
(CAAP-22-0000557; CASE NO. 1CCV-21-0000892)

ORDER OF CORRECTION
(By: Recktenwald, C.J.)

IT IS HEREBY ORDERED that the Opinion of the Court,
filed on August 28, 2024, is corrected as follows:

1. On page 4, on the fifth line from the top of the page, the words "grant of summary judgment for PIJAC" should be replaced with "denial of Plaintiffs' motion for summary judgment," so that the text reads: "We therefore affirm the environmental court's denial of the State's motion to dismiss and its denial of Plaintiffs' motion for summary judgment."

2. On pages 56-57, the paragraph of section V should be corrected by following these redline edits:

V. CONCLUSION

Accordingly, we affirm the environmental court's (1) January 6, 2022 "Ruling on BLNR's Motion to Dismiss Complaint (filed 8/9/21, Dkt. 15)"; (2) January 17, 2022 "Order Denying Defendants' Motion to Dismiss Complaint Filed July 13, 2021"; (23) August 16, 2022 "Ruling on Plaintiffs' MSJ (filed 2/18/22, Dkt. 72)"; (34) September 12, 2022 "Order Denying [072] Plaintiffs Willie Kaupiko, Ka'imi Kaupiko, Mike Nakachi, For the Fishes, Center for Biological Diversity, and Kai Palaoa's Motion for Summary Judgment Filed February 18, 2022"; and (45) September 12, 2022 "Final Judgment".

The paragraph of section V should read: Accordingly, we affirm the environmental court's (1) January 6, 2022 "Ruling on BLNR's Motion to Dismiss Complaint (filed 8/9/21, Dkt. 15)";

(2) January 17, 2022 "Order Denying Defendants' Motion to Dismiss Complaint Filed July 13, 2021"; (3) August 16, 2022 "Ruling on Plaintiffs' MSJ (filed 2/18/22, Dkt. 72)";

(4) September 12, 2022 "Order Denying [072] Plaintiffs Willie Kaupiko, Ka'imi Kaupiko, Mike Nakachi, For the Fishes, Center for Biological Diversity, and Kai Palaoa's Motion for Summary Judgment Filed February 18, 2022"; and (5) September 12, 2022 "Final Judgment."

The Clerk of the Court is directed to take all necessary steps to notify the publishing agencies of these changes.

DATED: Honolulu, Hawai'i, October 11, 2024.

/s/ Mark E. Recktenwald
Chief Justice

