

NO. 29035

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

THE SIERRA CLUB, a California non-profit corporation registered to do business in the State of Hawaii; MAUI TOMORROW, INC., a Hawaii non-profit corporation; and the KAHULUI HARBOR COALITION, an unincorporated association, Plaintiffs-Appellants/Cross-Appellees/Appellees/Cross-Appellants,

vs.

THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF HAWAII; BRENNON MORIOKA, in his capacity as Director of the DEPARTMENT OF TRANSPORTATION OF THE STATE OF HAWAII; MICHAEL FORMBY, in his capacity as Director of Harbors of the DEPARTMENT OF TRANSPORTATION OF THE STATE OF HAWAII; HAWAII SUPERFERRY, INC., Defendants-Appellees/Cross-Appellants/Appellants/Cross-Appellees.

APPEAL AND CROSS-APPEAL FROM THE SECOND CIRCUIT COURT OF APPEALS (CIV. NO. 05-1-0114)

ORDER

(By: Duffy, J. for the court¹)

Upon consideration of the Hawaii State Legislature's Motion for Leave to File an Amicus Curiae Brief, filed on March 30, 2009, the papers in support, and the record,

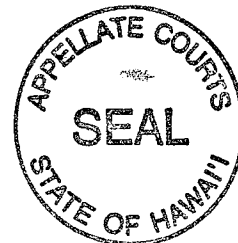
IT IS HEREBY ORDERED that the motion for leave to file amicus curiae brief is granted. The Hawaii State Legislature may file an amicus brief, not exceeding fifteen pages in length, exclusive of title page(s), index, appendices, and certificate of service by April 17, 2009.

DATED: Honolulu, Hawai'i, April 1, 2009.

FOR THE COURT:

Karol E. Duffy, Jr.

Associate Justice



EM RIMANDO
CLERK APPELLATE COURTS
STATE OF HAWAII

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FILED

¹ Considered by: Moon, C.J., Nakayama, Acoba, and Duffy, JJ., and Circuit Judge Town, in place of Levinson, J., recused.