

NO. 27912

IN THE SUPREME COURT OF THE STATE OF HAWAII

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,
Petitioners/Plaintiffs-Appellants/Cross-Appellees,

vs.

STATE OF HAWAII DEPARTMENT OF EDUCATION,
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,
Petitioners/Plaintiffs-Appellants/Cross-Appellees,

vs.

KATHRYN MATAYOSHI, in her official capacity as Interim
Superintendent of Schools; DONNA IKEDA, MARY COCHRAN, MAGGIE COX,
BREENE 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,
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 court¹)

Petitioners' application for writ of certiorari filed on April 14, 2010, is hereby rejected.

DATED: Honolulu, Hawai'i, May 26, 2010.

FOR THE COURT:

Associate Justice

Paul Alston, Peter S.
Knapman and Mei-Fei Kuo
of Alston Hunt Floyd & Ing,
Eric G. Ferrer and
Murray T. S. Lewis
(*pro hac vice*) for
petitioners on the
application

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