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CITY AND COUNTY OF HONOLULU and  
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Department of Transportation Services

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI'I

HONOLULUTRAFFIC.COM; CLIFF  
SLATER; BENJAMIN J.  
CAYETANO; WALTER HEEN;  
HAWAI'I'S THOUSAND FRIENDS;  
THE SMALL BUSINESS HAWAI'I  
ENTREPRENEURIAL EDUCATION

CIVIL NO. 11-00307 AWT

**DEFENDANTS' MOTION FOR  
PARTIAL JUDGMENT ON THE  
PLEADINGS; MEMORANDUM IN  
SUPPORT OF MOTION; REQUEST**

FOUNDATION; RANDALL W. ROTH; and DR. MICHAEL UECHI,

Plaintiffs,

vs.

FEDERAL TRANSIT ADMINISTRATION; LESLIE ROGERS, in his official capacity as Federal Transit Administration Regional Administrator; PETER M. ROGOFF, in his official capacity as Federal Transit Administration Administrator; UNITED STATES DEPARTMENT OF TRANSPORTATION; RAY LAHOOD, in his official capacity as Secretary of Transportation; THE CITY AND COUNTY OF HONOLULU; WAYNE YOSHIOKA, in his official capacity as Director of the City and County of Honolulu, Department of Transportation Services,

Defendants.

FOR JUDICIAL NOTICE; EXHIBITS “A” - “W”; DECLARATION OF FAITH MIYAMOTO; CERTIFICATE OF COMPLIANCE; CERTIFICATE OF SERVICE

(Presiding: The Honorable A. Wallace Tashima, United States Circuit Judge Sitting by Designation)

Date Action Filed: May 12, 2011  
Trial Date: None Set

**DEFENDANTS’ MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS**

The FEDERAL TRANSIT ADMINISTRATION (“FTA”), LESLIE ROGERS, in his official capacity as FTA Regional Administrator for Region IX, PETER M. ROGOFF, in his official capacity as FTA Administrator, the UNITED STATES DEPARTMENT OF TRANSPORTATION (“DOT”), RAY LAHOOD, in his official capacity as Secretary of Transportation, the CITY AND COUNTY

OF HONOLULU (“City”), and WAYNE Y. YOSHIOKA, in his official capacity as Director of the City and County of Honolulu Department of Transportation Services (collectively, “Defendants”), through their attorneys, hereby move for partial judgment on the pleadings (“Motion”) with respect to the Complaint for Injunctive and Declaratory Relief (“Complaint”) filed by Plaintiffs HONOLULUTRAFFIC.COM, CLIFF SLATER, BENJAMIN J. CAYETANO, WALTER HEEN, HAWAI‘I’S THOUSAND FRIENDS, THE SMALL BUSINESS HAWAI‘I ENTREPRENEURIAL EDUCATION FOUNDATION (“SBH”), RANDALL W. ROTH, and DR. MICHAEL UECHI (collectively, “Plaintiffs”). This Motion seeks to dismiss certain claims in Plaintiffs’ Complaint that were waived when Plaintiffs failed to raise them during the lengthy administrative process leading to the January 2011 issuance by the FTA of the Record of Decision (“ROD”) for the Honolulu High-Capacity Transit Corridor Project (“Project”). This Motion also seeks the dismissal of the claims of certain Plaintiffs Cayetano, Heen, Roth and SBH (collectively, “Certain Plaintiffs”) who failed to participate at all in the administrative process concerning the Project, and thus did not exhaust their available administrative remedies.

This Motion is made pursuant to Rules 7 and 12(c) of the Federal Rules of Civil Procedure, Rule 201 of the Federal Rules of Evidence, and is based on the accompanying Memorandum in Support of Motion, Request for Judicial Notice,

matters of which the Court may take judicial notice, Declaration of Faith Miyamoto, the entire record and pleadings filed herein, and upon such matters as may be presented to the Court at the hearing of this Motion.

Dated: September 9, 2011.

/s/ Peter Whitfield

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/s/ John P. Manaut

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