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**UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII**

HONOLULUTRAFFIC.COM; CLIFF SLATER; BENJAMIN CAYETANO; WALTER HEEN; HAWAII'S THOUSAND FRIENDS; THE SMALL BUSINESS HAWAII ENTREPRENEURIAL EDUCATION 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; and WAYNE YOSHIOKA, in his official capacity as Director of the City and County of Honolulu Department of Transportation,

Defendants,

CV No. 11-0307 AWT

**JUDGMENT AND
PARTIAL INJUNCTION**

1 FAITH ACTION FOR COMMUNITY
2 EQUITY; PACIFIC RESOURCE
3 PARTNERSHIP; and MELVIN UESATO,

4
5 Intervenor - Defendants.
6

7 After briefing, hearing, and disposition of this case on the merits, *see*
8 *HonoluluTraffic.com v. Fed. Transit Admin.*, 2012 WL 1805484 (D. Hawaii 2012)
9 (partial grant of summary judgment); Order on Cross-Motions for Summary Judgment,
10 filed Nov. 1, 2012 (“Summary Judgment Order”), the parties and the court addressed the
11 appropriate remedy. The parties submitted additional briefing on the scope of any
12 remedies, including any equitable relief. The remedy phase was fully argued and heard
13 on December 12, 2012. After due consideration of those arguments, briefs, and the
14 record, the court now enters its final Judgment, which shall include partial injunctive
15 relief, as set forth below.

16 As reflected in its prior orders, the court granted summary judgment to Plaintiffs
17 on three of their § 4(f) claims – claims arising under § 4(f) of the Department of
18 Transportation Act, 49 U.S.C. § 303. The court granted summary judgment to
19 Defendants on all other claims raised by Plaintiffs, which include Plaintiffs’ remaining §
20 4(f) claims, all claim arising under the National Environmental Policy Act, 42 U.S.C. §
21 4321 *et seq.*, and all claims arising under § 106 of the National Historic Preservation Act,
22 16 U.S.C. § 470f. In entering its partial permanent injunction, the court has considered
23 the well-recognized equitable factors that apply, *see, e.g., Monsanto Co. v. Geertson Seed*
24 *Farms*, 130 S. Ct. 2743, 2756 (2010), and finds that, to the extent Defendants actions are
25 enjoined, the four-factor test, on balance favors Plaintiffs, including: (1) irreparable
26 injury; (2) the inadequacy of monetary relief; (3) the balance of hardships; and (4) the
27 public interest.

28 **IT IS, THEREFORE, ADJUDGED** that this matter is remanded to the Federal
Transit Administration, but without vacatur of the Record of Decision, to comply with the
court’s Summary Judgment Order.

