



Hawaii, Barry Fukunaga, in his capacity as Director of the Department of Transportation, State of Hawaii, and Michael Formby, in his capacity as Director of Harbors of the Department of Transportation, State of Hawaii were represented by William Wynhoff, Deputy Attorney General, and Defendant Hawaii Superferry, Inc. was represented by legal counsels, Lisa Munger and Lisa Bail.


At the hearing, the Court considered all relevant pleadings and arguments presented by legal counsels on behalf of their respective parties. Based on the relevant pleadings and arguments presented to the Court, the Court, having good cause therefrom, hereby orders the following:

1. Without ruling on the issue of jurisdiction in accordance with HRS Sec. 343-7(a), Petitioners' Ex Parte Motion for Temporary Restraining Order is DENIED.

2. Petitioners' Motion for Temporary, Preliminary and/or Permanent Injunction to Prohibit the Hawaii Superferry from Operating filed on September 5, 2007 is set for hearing on September 17, 2007 at 9:00 a.m. and on September 21, 2007 at 8:00 a.m. and thereafter as necessary.

Petitioners shall provide to Defendants a list of Petitioners' witnesses, including a summary of expected testimony of each witness, by September 13, 2007, and Defendants shall provide to Petitioners a list of Defendants' witnesses, including a summary of expected testimony of each witness, by September 17, 2007.

Dated: Lihue, Kauai, Hawaii, September 7, 2007.

Approved and So Ordered:  
 Wendell Valeriano  
Judge of the Above-Entitled Court