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1ST CIRCUIT COURT
STATE OF HAWAII

2009 JUN 23 PM 12:20

J. KUBO
CLERK

Attorneys for Plaintiff

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

Hawaii State Teachers
Association and United Public
Workers, AFSCME, Local 646,
AFL-CIO,

Plaintiffs,

vs.

Linda Lingle, Governor, State
of Hawaii; Marie Laderta,
Director, Department of Human
Resources Development, State
of Hawaii; and Georgina
Kawamura, Director,
Department of Budget and
Finance, State of Hawaii,

Defendants.

) Civil No. 09-1-1372-06 KKS
) (Other Civil Action)
)
)
) PLAINTIFFS' MOTION TO GRANT
) APPLICATION FOR APPEARANCE PRO
) HAC VICE OF FRED H. ALTSHULER,
) SCOTT A. KRONLAND AND ANNE N.
) ARKUSH; MEMORANDUM IN SUPPORT;
) AFFIDAVIT OF REBECCA L. COVERT;
) DECLARATION OF FRED H.
) ALTSHULER; DECLARATION OF SCOTT
) A. KRONLAND; DECLARATION OF ANNE
) N. ARKUSH; EXHIBIT 1; ORDER
) GRANTING APPLICATION FOR
) APPEARANCE PRO HAC VICE OF FRED
) H. ALTSHULER, SCOTT A. KRONLAND
) AND ANNE N. ARKUSH; NOTICE OF
) HEARING MOTION AND CERTIFICATE
) OF SERVICE
)
)
) Hearing: JUN 29 2009
) Date:
) Time: 8:30 AM
) Judge: Karl K. Sakamoto
)
)

(356:701)

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**PLAINTIFFS' MOTION TO GRANT APPLICATION FOR APPEARANCE PRO HAC
VICE OF FRED H. ALTSHULER, SCOTT A. KRONLAND AND ANNE N. ARKUSH**

Comes now Plaintiffs Hawaii State Teachers Association ("HSTA") and United Public Workers, AFSCME, Local 646, AFL-CIO ("UPW") (jointly "Plaintiffs"), by and through their undersigned counsel, and respectfully moves this court to grant their application to allow appearance of attorneys Fred H. Altshuler, Scott A. Kronland, and Anne N. Arkush of the law firm Altshuler Berzon LLP to this Circuit Court ("Court") *pro hac vice* for the purpose of associating with the undersigned counsel for the litigation of this case.

This motion is based on the attached affidavit of counsel, the declarations of mainland counsel, supporting memorandum, exhibit, and argument to be presented on the motion.

DATED: Honolulu, Hawaii, June 23, 2009.



Rebecca L. Covert
Herbert R. Takahashi
Attorneys for Plaintiffs

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

Hawaii State Teachers	)	Civil No. 09-1-1372-06 KKS
Association and United Public	)	(Other Civil Action)
Workers, AFSCME, Local 646,	)	
AFL-CIO,	)	
	)	MEMORANDUM IN SUPPORT
Plaintiffs,	)	
	)	
vs.	)	
	)	
Linda Lingle, Governor, State	)	
of Hawaii; Marie Laderta,	)	
Director, Department of Human	)	
Resources Development, State	)	
of Hawaii; and Georgina	)	
Kawamura, Director,	)	
Department of Budget and	)	
Finance, State of Hawaii,	)	
	)	
Defendants.	)	
	)	

(356:701)

MEMORANDUM IN SUPPORT

I.

INTRODUCTION

Plaintiffs Hawaii State Teachers Association ("HSTA") and United Public Workers, AFSCME, Local 646, AFL-CIO ("UPW") (jointly "Unions" or "Plaintiffs"), through their current attorneys of Takahashi Vasconcellos & Covert, wish to retain three attorneys with Altshuler Berzon LLP, for the above-entitled matter and therefore seek *pro hac vice* status for the three attorneys. The Plaintiffs have brought a complaint alleging counts involving complex constitutional and labor law questions and believe the addition of the three attorneys will enhance and not delay or complicate the proceedings.

Given the complexity of the issues and the familiarity of the Altshuler Berzon LLP firm in these areas of law,

admission pro hac vice of the attorneys from Altshuler Berzon will assist and not hamper the Court in the course of proceedings in the case.

II.

STATEMENT OF THE CASE

A. The Status of the Case Before the Court

On July 18, 2009 Plaintiffs HSTA and UPW filed an amended complaint alleging that a June 1, 2009 decision to furlough all state employees for three days per month for two years and imposing funding restrictions by defendants (Exh. 44-4 to 44-5), violate the rights of public employees to engage in collective bargaining under Article XIII Section 2, to contractually established retirement benefits which may not be diminished or impaired under Article XVI Section 2, and to compliance with the lawful exercise of legislative power and authority under Article III Section of the Hawaii State Constitution. The amended complaint was served on June 18, 2009. The defendants' decision and actions (announced on June 1, 2009 and elaborated upon on June 18, 2009) will be implemented on or about June 30, 2009 (on the withholding of \$130 million in part for retirement and health plan contributions), and on July 1, 2009 (on the statewide furlough and funding restrictions to Department of Education and University of Hawaii. (Exh. 44-4 and 44-5).

A motion for temporary restraining order and preliminary injunction is being filed on June 22, 2009 and an ex-parte motion to shorten the time for a hearing is being filed. The ex-parte motion asks the court to schedule a hearing on the motion prior to July 1, 2009 which will afford all parties the opportunity to submit briefs and oral argument.

B. The Qualifications of the Altshuler Berzon Attorneys

Plaintiffs seek *pro hac vice* admission of three attorneys from the firm Altshuler Berzon LLP in this matter: Fred Altshuler, Scott Kronland, and Anne Arkush. Altshuler Berzon LLP is a San Francisco, California law firm with emphasis in several areas of law including public and private sector labor and employment law and constitutional law. (Altshuler Decl. ¶ 5). All three Altshuler Berzon attorneys are actively licensed to practice law by the highest court of California. All three are currently active members in good standing of the California bar. (See Altshuler Decl. ¶ 2, Kronland Decl. ¶ 2, Arkush Decl. ¶ 2).

Fred Altshuler is one of the founding attorneys of the law firm. (Altshuler Decl. ¶ 5). Altshuler has served as mainland counsel in cases in Hawaii going back to at least 1996 when he was admitted to practice as a non-resident attorney before the United States District Court for the District of Hawaii. (Altshuler Decl. ¶ 3). In the past he has appeared *pro hac vice* for the United Public Workers, AFSCME, Local 646, AFL-CIO and worked with the local firm in this case, Takahashi Vasconcellos & Covert.

Scott Kronland is also a partner with Altshuler Berzon. He has been in practice in California since 1993. He has previously been admitted to the United States District Court for the District of Hawaii, again working with the present local counsel for HSTA and UPW in this case. (Kronland Decl. ¶¶ 1, 3). Anne Arkush is an associate with the Altshuler Berzon firm. She was admitted to the California bar in 2008. All three attorneys work out of their office in San Francisco. (Arkush Decl. ¶¶ 1, 3).

Altshuler and two other attorneys from the Altshuler Berzon firm were granted *pro hac vice* status late last year in Hawaii, representing HSTA. The case is before Judge Victoria S. Marks in this same circuit and involves issues of constitutional law. (Exhibit 1; Affidavit of Rebecca L. Covert ¶ 6).

III.

RELEVANT STATUTES AND COURT RULES

Section 14 of Chapter 605, Hawaii Revised Statutes, provides:

It shall be unlawful for any person, firm, association, or corporation to engage in or attempt to engage in or to offer to engage in the practice of law, or to do or attempt to do or offer to do any act constituting the practice of law, except and to the extent that the person, firm, or association is licensed or authorized so to do by an appropriate court, agency, or office or by a statute of the State or of the United States.

HRS §605-14 (emphasis added).

See also HRS §605-2 ("Except as provided by the rules of court, no person shall be allowed to practice in any court of the State unless that person has been duly licensed so to do by the supreme court") (emphasis added).

The Rules of the Supreme Court in Hawaii in relevant part state:

Any attorney actively licensed to practice law by the highest court of a state or territory of the United States or the District of Columbia who is not a resident of Hawai'i may be permitted to associate himself or herself with a member or members of the Hawai'i bar in the presentation of a specific case at the discretion of the presiding judge or judges.

An attorney allowed to appear *pro hac vice* shall, for each year the order is effective, pay to the Hawai'i State Bar an annual Disciplinary Board fee authorized by the supreme court, provided that if the attorney is allowed to appear in more than one case, only one fee shall be paid. The Hawai'i State Bar may

assess a reasonable fee to register and collect this fee on an annual basis.

Failure to file proof of such payment in the record, within 10 days after entry of the order and in January of each subsequent year in which the case is pending, voids the order allowing the appearance *pro hac vice*.

Haw. R. Sup. Ct. 1.9 (emphasis added).

IV.

STANDARD OF REVIEW

The presiding judge has authority to permit an attorney, actively licensed to practice law by the highest court of another state, to associate with a member or members of the Hawai'i bar in presentation of a specific case. Haw. R. Sup. Ct. 1.9. While the decision to permit the association is discretionary, *id.*; see also Bank of Hawaii v. Kunimoto, 91 Hawai'i 372, 984 P.2d 1198 (1999) (revoking of *pro hac vice* status), the court will abuse its discretion when arbitrarily denying a party its desired representation. See PepsiCo Inc. v. Roque, 743 So.2d 160 (Fla. App. 1999).

Indeed, we believe that the correct rule is stated in *State ex rel. H.K. Porter Co. v. White*, 182 W.Va. 97, 386 S.E.2d 25 (1989), in which the court rejected the imposition of an arbitrary limitation on *pro hac vice* appearances and held, even though the nonresident lawyer had been assigned over one hundred cases in the jurisdiction, that he was entitled to *pro hac vice* admission because he had represented the defendant in similar cases nationwide and had developed a particular expertise in the specialized field of litigation in which he was engaged.

PepsiCo Inc. v. Roque, 743 So.2d at 161.

See also N.A.A.C.P. v. State, Dep't. of Law and Public Safety, 711 A.2d 1355, 1358 (N.J. App. 1998) (finding discretion of court limited once good cause requirement in *pro hac vice* rule was satisfied).

V.
ARGUMENT

The three attorneys who are the subject of the application for admission *pro hac vice* satisfy the requirements of the Court's rules on admission from another jurisdiction and therefore admission to appear *pro hac vice* should be granted. See Blankenship v. Blackwell, 817 N.E.2d 382, 386 (Ohio 2004) (granting status where applicants complied with the procedural requirements for admission *pro hac vice* and the court routinely granted these motions). All three attorneys satisfy the preliminary condition for admission *pro hac vice* as they are all actively licensed to practice law by the highest court in California. All are active members of the bar in California. See Altshuler Decl. ¶ 2, Kronland Decl. ¶ 2, Arkush Decl. ¶ 2. As evidenced by the issues raised in the amended complaint, see supra Part II.A-II.D, the litigation will involve complicated legal questions of law on constitutional issues and public employment labor law. Both Plaintiffs have either retained one or more of the Altshuler Berzon attorneys or other attorneys in their office in the past. See Altshuler Decl. ¶¶ 6, 8. The Plaintiffs' current legal counsel have worked with both Altshuler and Kronland in other cases involving labor and/or constitutional law. In light of the issues and the preference of the two unions, permission to allow *pro hac vice* appearance is appropriate.

To deny admission under these facts would be arbitrary and contrary to the Plaintiffs' interest in having the best representation that complies with the rules. See Kohlmayer v. Nat'l R.R. Passenger Corp., 124 F. Supp. 2d 877, 879 (D. N.J. 2000) (noting because of the "liberal approach taken by federal courts in all jurisdictions in allowing out-of-state attorneys

to practice in federal courts of jurisdictions where they are not admitted to the bar" applications are "granted almost as a matter of course"). The three attorneys also have the experience in the areas of law that are the subject of the litigation.¹ See State ex rel. H.K. Porter Co., Inc. v. White, 386 S.E.2d 25, 30 (W. Va. 1989) (noting the benefits of having in the case nonresident practitioner who has developed some degree of expertise in the particular field of litigation in which he is engaged).

The Court may also grant the application even though it means that three attorneys would have been allowed to appear *pro hac vice* in the case on behalf of the Plaintiffs. In this circuit our courts have already allowed a party to be represented by multiple local and mainland counsel, the latter appearing *pro hac vice*. See Exhibit 1 (granting *pro hac vice* status to three attorneys from Altshuler Berzon LLP). Any concerns about case management or fees incurred from multiple representation can be handled through the Court's management of the case. See Roma Const. Co. v. aRusso, 96 F.3d 566, 577 (1st Cir. 1996) (finding concerns of multiple *pro hac vice* appearances in the circuit and extent of fees were not valid basis to deny application).

V.
CONCLUSIONS

For the aforementioned reasons, the HSTA and UPW respectfully request this Court to grant their Motion to approve

¹ Although Arkush is recently admitted to the California bar, she will be working with the two partners in the case, if *pro hac vice* status is granted, and will have access to the Firm's legal resources.

the application for pro hac vice appearances on their behalf by
Fred Altshuler, Scott Kronland, and Anne Arkush.

DATED: Honolulu, Hawaii, June 23, 2009.

A handwritten signature in black ink, appearing to read 'Rebecca L. Covert', written over a horizontal line.

Rebecca L. Covert
Herbert R. Takahashi
Attorneys for Plaintiffs

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

Hawaii State Teachers	)	Civil No. 09-1-1372-06 KKS
Association and United Public	)	(Other Civil Action)
Workers, AFSCME, Local 646,	)	
AFL-CIO,	)	
	)	
Plaintiffs,	)	
	)	AFFIDAVIT OF REBECCA L. COVERT
vs.	)	
	)	
Linda Lingle, Governor, State	)	
of Hawaii; Marie Laderta,	)	
Director, Department of Human	)	
Resources Development, State	)	
of Hawaii; and Georgina	)	
Kawamura, Director,	)	
Department of Budget and	)	
Finance, State of Hawaii,	)	
	)	
Defendants.	)	
	)	

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AFFIDAVIT OF REBECCA L. COVERT

STATE OF HAWAII	)	
	:	SS.
CITY AND COUNTY OF HONOLULU	)	

Rebecca L. Covert, being first duly sworn on oath deposes and says:

1. I am an attorney licensed to practice law in the State of Hawaii and the United States District Court for the District of Hawaii.

2. I am a partner in the Firm Takahashi Vasconcellos & Covert. My office address is 345 Queen Street, Room 506, Honolulu, HI 96813. My office telephone number is (808) 526-3003.

3. My firm has been retained to represent the Hawaii State Teachers Association and United Public Workers, AFSCME, Local 646, AFL-CIO, plaintiffs in the above-captioned litigation.

4. As the litigation in the above-entitled matter involves complex issues of labor law and constitutional law, the Plaintiffs and the my firm wish to associate with Altshuler Berzon LLP, in the above-entitled matter. Fred H. Altshuler, Scott A. Kronland and Anne N. Arkush are attorneys with said firm.

5. In support of this request I have attached the declarations of Fred H. Altshuler, Scott A. Kronland and Anne N. Arkush. The declaration of Mr. Altshuler contains an electronically transmitted signature page. The original with his signature will be submitted upon receipt in my office.

6. I am also one of the attorneys representing HSTA in another circuit court case, Civil No. 08-1-2277-11 VSM. On January 13, 2009 Judge Victoria S. Marks granted the HSTA's application for appearance pro hac vice of Fred H. Altshuler, Jonathan Weissglass and Rebecca Smullin. Exhibit 1 is a copy of the order granting the application.

7. I respectfully request that the this Court enter an order authorizing the appearance by Fred H. Altshuler, Scott

A. Kronland and Anne N. Arkush to this Court *pro hac vice* for purposes of this action in all forums. If granted, Rule 1.9 of the Rules of the Supreme Court will be satisfied.

Further Affiant sayeth naught.


Rebecca L. Covert

This three (3) page undated document, attached to PLAINTIFFS' MOTION TO GRANT APPLICATION FOR APPEARANCE *PRO HAC VICE* OF FRED H. ALTSHULER, SCOTT A. KRONLAND AND ANNE N. ARKUSH, was subscribed and sworn to before me this 23rd day of June, 2009 in the First Circuit of the State of Hawaii by Louise R. Lee:

L.S.


Notary Public, State of Hawaii
My commission expires: 2/8/2012

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

Hawaii State Teachers	)	Civil No. 09-1-1372-06 KKS
Association and United Public	)	(Other Civil Action)
Workers, AFSCME, Local 646,	)	
AFL-CIO,	)	
	)	
Plaintiffs,	)	
	)	DECLARATION OF FRED H.
vs.	)	ALTSHULER
	)	
Linda Lingle, Governor, State	)	
of Hawaii; Marie Laderta,	)	
Director, Department of Human	)	
Resources Development, State	)	
of Hawaii; and Georgina	)	
Kawamura, Director,	)	
Department of Budget and	)	
Finance, State of Hawaii,	)	
	)	
Defendants.	)	

DECLARATION OF FRED H. ALTSHULER

I, FRED H. ALTSHULER, declare:

1. My full name is Fred H. Altshuler. I am a partner at Altshuler Berzon LLP. My office address is 177 Post Street, Suite 300, San Francisco, CA 94108. I reside in the state of California.

2. I am actively licensed to practice law by the highest court of California. I was admitted to the bar of the State of California on January 17, 1969, and I am currently an active member in good standing.

3. I am also admitted to practice before the United States District Court for the Northern District of California, the United States Supreme Court and the United States Court of Appeals for the Ninth Circuit. On August 23, 1996, I was admitted to practice as a non-resident attorney before the United States District Court for the District of Hawaii.

4. I am not currently suspended or disbarred in any court.

5. Altshuler Berzon LLP is a San Francisco, California law firm with emphasis in several areas of law including labor and employment law in the public and private sector and constitutional law. I am one of the founding attorneys of the law firm.

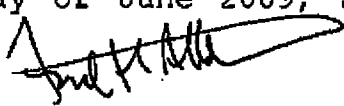
6. In the past I have appeared *pro hac vice* for the United Public Workers, AFSCME, Local 646, AFL-CIO and worked with the local firm in this case, Takahashi Vasconcellos & Covert.

7. If I am granted permission to appear before this Court, Herbert R. Takahashi and Rebecca L. Covert, members of the Hawaii bar who maintain an office within the state, will act as associated counsel in this action. Scott A. Kronland and Anne N. Arkush, attorneys at Altshuler Berzon who are seeking appearance *pro hac vice* concurrently herewith, will also serve as co-counsel.

8. I and my firm have associated with Herbert R. Takahashi and his law firm over the at least past twenty years. Most recently another court in this circuit granted an application filed on behalf of me and two other attorneys in my firm to appear *pro hac vice* in a civil matter involving Hawaii State Teachers Association.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 22nd day of June 2009, at San Francisco, California.



Fred H. Altshuler

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

Hawaii State Teachers	)	Civil No. 09-1-1372-06 KKS
Association and United Public	)	(Other Civil Action)
Workers, AFSCME, Local 646,	)	
AFL-CIO,	)	
	)	
Plaintiffs,	)	
	)	DECLARATION OF SCOTT A.
vs.	)	KRONLAND
	)	
Linda Lingle, Governor, State	)	
of Hawaii; Marie Laderta,	)	
Director, Department of Human	)	
Resources Development, State	)	
of Hawaii; and Georgina	)	
Kawamura, Director,	)	
Department of Budget and	)	
Finance, State of Hawaii,	)	
	)	
Defendants.	)	

DECLARATION OF SCOTT A. KRONLAND

I, SCOTT A. KRONLAND, declare:

1. My full name is Scott A. Kronland. I am a partner at Altshuler Berzon LLP.

2. My office address is 177 Post Street, Suite 300, San Francisco, CA 94108. I reside in the state of California.

3. I am actively licensed to practice law by the highest court of California. I was admitted to the bar of the State of New York in April 1993 and the State of California in September 1994, and I am currently an active member in good standing.

4. I am also admitted to practice before the United States District Court for the Northern, Eastern, Southern and Central Districts of California, the United States Supreme Court, the United States Court of Appeals for the Ninth Circuit, the United States Court of Appeals for the District of Columbia, and the United States District Court of the District of Hawaii.

6. I am not currently suspended or disbarred in any court.

7. If I am granted permission to appear before this Court, Herbert R. Takahashi and Rebecca L. Covert, members of the Hawaii bar who maintain an office within the state, will act as associated counsel in this action. Fred H. Altshuler and Anne N. Arkush, attorneys at Altshuler Berzon who are seeking appearance *pro hac vice* concurrently herewith, will also serve as co-counsel.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 13TH day of June 2009, at San Francisco, California.



Scott A. Kronland

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

Hawaii State Teachers	)	Civil No. 09-1-1372-06 KKS
Association and United Public	)	(Other Civil Action)
Workers, AFSCME, Local 646,	)	
AFL-CIO,	)	
	)	
Plaintiffs,	)	
	)	DECLARATION OF ANNE N. ARKUSH
vs.	)	
	)	
Linda Lingle, Governor, State	)	
of Hawaii; Marie Laderta,	)	
Director, Department of Human	)	
Resources Development, State	)	
of Hawaii; and Georgina	)	
Kawamura, Director,	)	
Department of Budget and	)	
Finance, State of Hawaii,	)	
	)	
Defendants.	)	
	)	

DECLARATION OF ANNE N. ARKUSH

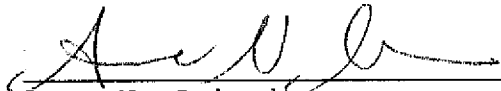
I, ANNE N. ARKUSH, declare:

1. My full name is Anne N. Arkush.
2. I am an associate at Altshuler Berzon LLP.
3. My office address is 177 Post Street, Suite 300, San Francisco, CA 94108. I reside in the state of California.
4. I am actively licensed to practice law by the highest court of California. I was admitted to the bar of the State of California on January 17, 2008, and I am currently an active member in good standing.
5. I am also admitted to practice before the United States District Court for the Northern District of California and the United States Court of Appeals for the Ninth Circuit.
6. I am not currently suspended or disbarred in any court.

7. If I am granted permission to appear before this Court, Herbert R. Takahashi and Rebecca L. Covert, members of the Hawaii bar who maintain an office within the state, will act as associated counsel in this action. Fred H. Altshuler and Scott A. Kronland, attorneys at Altshuler Berzon who are seeking appearance *pro hac vice* concurrently herewith, will also serve as co-counsel.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 18 day of June 2009, at San Francisco, California.



Anne N. Arkush

2009 JAN 13 AM 10:20

Of Counsel:
TAKAHASHI VASCONCELLOS & COVERT
Attorneys at Law

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Facsimile Number: (808) 531-9894

J. KUBO
CLERK

Attorneys for Petitioner-Appellant

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

In the Matter of	) Civil No. 08-1-2277-11 VSM
	) Agency Appeal & Prayer for
Hawaii State Teachers Association	) Declaratory Judgment
(2008-041),	)
	)
Petitioner-Appellant,	) ORDER GRANTING APPLICATION
	) FOR APPEARANCE PRO HAC VICE
and	) OF FRED H. ALTSHULER,
	) JONATHAN WEISSGLASS AND
Valerie Biven; Felicia Friend-	) REBECCA SMULLIN AND
Betlach; Diane Schwartz; William	) GRANTING APPLICATION FOR
Schwartz; Kris Yoakum; Linda	) APPEARANCE PRO HAC VICE OF
Lingle, Governor, State of Hawaii;	) GRAHAM BOYD, CARLIE A. WARE
Board of Education, Department of	) AND ADAM B. WOLF
Education, State of Hawaii;	)
Patricia Hamamoto, Superintendent,	)
Department of Education, State of	)
Hawaii; Marie Laderta, Chief	)
Negotiator, Office of Collective	) Hearing:
Bargaining, State of Hawaii,	)
	) Date: December 22, 2008
Intervenors-	)
Appellees,	) Time: 11:30 a.m.
	)
and	) Honorable Victoria S. Marks
	)
Hawaii Labor Relations Board;	)
James B. Nicholson; Emory J.	)
Springer; Sarah R. Hirakami,	)
	)
Agency-Appellees.	)

**ORDER GRANTING APPLICATION FOR APPEARANCE PRO HAC VICE OF
FRED H. ALTSHULER, JONATHAN WEISSGLASS AND REBECCA SMULLIN
AND GRANTING APPLICATION FOR APPEARANCE PRO HAC VICE
OF GRAHAM BOYD, CARLIE A. WARE AND ADAM B. WOLF**

The Application for Appearance Pro Hac Vice of Fred H. Altshuler, Jonathan Weissglass, and Rebecca Smullin having been filed on November 7, 2008 by Hawaii State Teachers Association and having come on for hearing on December 22, 2008 before the Honorable Victoria S. Marks and by agreement of counsel for all parties the Application for Appearance Pro Hac Vice of Graham Boyd, Carlisle A. Ware and Adam B. Wolf having been filed on November 25, 2008 by Valerie Biven, Felicia Friend-Betlach, Diane Schwartz, William Schwartz, and Kris Yoakum and having come on for hearing on December 22, 2008 before the Honorable Victoria S. Marks, Richard H. Thomason, Esq., appearing on behalf of Linda Lingle, Board of Education, Patricia Hamamoto, and Marie Laderta; Daniel M. Gluck, Esq., appearing on behalf of Valerie Biven, Felicia Friend-Betlach, Diane Schwartz, William Schwartz, and Kris Yoakum; Valri Lei Kunimoto, Esq., appearing on behalf of the Hawaii Labor Relations Board, James B. Nicholson, Emory J. Springer, and Sarah R. Hiramami; and Rebecca Covert, Esq., appearing on behalf of the Hawaii State Teachers Association, and the Court having read the moving papers, considered the argument of counsel, and good cause appearing hereby grants the two applications filed November 7, 2008 and November 25, 2008 respectively as to this forum.

ACCORDINGLY, THE COURT HEREBY FINDS, ADJUDGES, AND DECREES as follows:

1. Fred H. Altshuler, Jonathan Weissglass, and Rebecca Smullin and Graham Boyd, Carlisle A. Ware and Adam B. Wolf are granted pro hac vice status.
2. Local and Mainland Counsel for the Hawaii State Teachers Association and for Valerie Biven, Felicia Friend-Betlach, Diane Schwartz, William Schwartz, and

Kris Yoakum respectively shall comply with the following requirements:

- a. Local counsel shall serve as lead trial counsel.
- b. Local counsel shall participate in a meaningful way in all aspects of the case.
- c. Mainland counsel shall comply with the HSBA guidelines of professional courtesy and civility.
- d. Mainland counsel shall comply with all requirements of Rule 1.9 of the Rules of the Supreme Court.
- e. Mainland counsel need not be served; service of all papers and pleadings shall be done through local counsel.

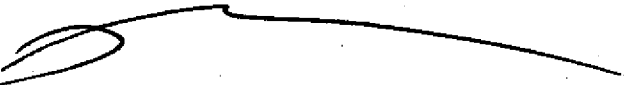
DATED: Honolulu, Hawaii, JAN 18 2009

VICTORIA S. MARKS

SEAL

Judge of the above-entitled Court

Approved as to form:


Richard H. Thomason
Deputy Attorney General
Attorney for Intervenors-
Appellees Linda Lingle,
Board of Education,
Patricia Hamamoto and
Marie Laderta


Daniel M. Gluck
Attorney for Intervenors-
Appellees Valerie Biven,
Felicia Friend-Betlach,
Diane Schwartz, William Schwartz,
and Kris Yoakum

Wakii Lei Kunimoto

Valri Lei Kunimoto
Attorney for Agency-Appellees
Hawaii Labor Relations Board,
James B. Nicholson, Emory J.
Springer, and Sarah R. Hirakami

In the Matter of Hawaii State Teachers Association and Biven, et al.; Civil No. 08-1-2277-11 VSM; ORDER GRANTING APPLICATION FOR APPEARANCE PRO HAC VICE OF FRED H. ALTSHULER, JONATHAN WEISSGLASS AND REBECCA SMULLIN AND GRANTING APPLICATION FOR APPEARANCE PRO HAC VICE OF GRAHAM BOYD, CARLIE A. WARE AND ADAM B. WOLF

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

Hawaii State Teachers	)	Civil No. 09-1-1372-06 KKS
Association and United Public	)	(Other Civil Action)
Workers, AFSCME, Local 646,	)	
AFL-CIO,	)	
	)	
Plaintiffs,	)	
	)	ORDER GRANTING APPLICATION FOR
vs.	)	APPEARANCE <i>PRO HAC VICE</i> OF
	)	FRED H. ALTSHULER, SCOTT A.
Linda Lingle, Governor, State	)	KRONLAND AND ANNE N. ARKUSH
of Hawaii; Marie Laderta,	)	
Director, Department of Human	)	
Resources Development, State	)	
of Hawaii; and Georgina	)	
Kawamura, Director,	)	
Department of Budget and	)	
Finance, State of Hawaii,	)	
	)	
Defendants.	)	
	)	

**ORDER GRANTING APPLICATION FOR APPEARANCE
PRO HAC VICE OF FRED H. ALTSHULER,
SCOTT A. KRONLAND AND ANNE N. ARKUSH**

The Court having considered the Application for Appearance *Pro Hac Vice* of Fred H. Altshuler, Scott A. Kronland, and Anne N. Arkush, and the record and file herein hereby authorizes their appearance *pro hac vice* in the above-entitled matter for representation of the Hawaii State Teachers Association and the United Public Workers, AFSCME, Local 646, AFL-CIO with associated counsel Herbert R. Takahashi and Rebecca L. Covert.

IT IS THEREFORE ORDERED that the Application for Appearance *Pro Hac Vice* of Fred H. Altshuler, Scott A. Kronland, and Anne N. Arkush is hereby GRANTED.

DATED: Honolulu, Hawaii, _____.

Judge of the above-entitled Court

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

Hawaii State Teachers	)	Civil No. 09-1-1372-06 KKS
Association and United Public	)	(Other Civil Action)
Workers, AFSCME, Local 646,	)	
AFL-CIO,	)	
	)	NOTICE OF HEARING MOTION AND
Plaintiffs,	)	CERTIFICATE OF SERVICE
	)	
vs.	)	
	)	
Linda Lingle, Governor, State	)	
of Hawaii; Marie Laderta,	)	
Director, Department of Human	)	
Resources Development, State	)	
of Hawaii; and Georgina	)	
Kawamura, Director,	)	
Department of Budget and	)	
Finance, State of Hawaii,	)	
	)	
Defendants.	)	
	)	

(356:701)

NOTICE OF HEARING MOTION

To: James E. Halvorson
Maria C. Cook, Esq.
Deputy Attorney General
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235 So. Beretania Street,
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Attorneys for the Defendants

NOTICE IS HEREBY GIVEN that PLAINTIFFS' MOTION TO GRANT
APPLICATION FOR APPEARANCE *PRO HAC VICE* OF FRED H. ALTSHULER,

SCOTT A. KRONLAND AND ANNE N. ARKUSH shall come on for hearing before the Honorable Karl K. Sakamoto, Judge of the above-entitled Court, in his courtroom, Kaahumanu Hale, 777 Punchbowl Street, Honolulu, Hawaii 96813 on the 29th day of June 2009 at 8:30 a.m., or as soon thereafter as counsel may be heard.

DATED: Honolulu, Hawaii, June 23, 2009.



Rebecca L. Covert
Herbert R. Takahashi
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

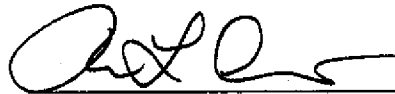
I hereby certify that one copy of the foregoing document was duly served upon the following person(s) by hand delivery on this date:

James E. Halvorson, Esq.
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235 So. Beretania Street, 15th Floor
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425 Queen Street
Honolulu, Hawaii 96813

Attorney(s) for Linda Lingle, Governor

DATED: Honolulu, Hawaii, June 23, 2009.

A handwritten signature in dark ink, appearing to read 'Rebecca L. Covert', written over a horizontal line.

Rebecca L. Covert
Herbert R. Takahashi
Attorneys for Plaintiff