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Attorney for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

EARL F. ARAKAKI, EVELYN C.)	CIVIL NO. 02-00139 SOM/KSC
ARAKAKI, EDWARD U. BUGARIN,)	
SANDRA PUANANI BURGESS,)	
PATRICIA A. CARROLL, ROBERT)	
M. CHAPMAN, MICHAEL Y.)	
GARCIA, TOBY M. KRAVET,)	
JAMES I. KUROIWA, JR.,)	
FRANCES M. NICHOLS, DONNA)	
MALIA SCAFF, JACK H. SCAFF,)	
ALLEN H. TESHIMA, THURSTON)	
TWIGG-SMITH,)	
)	NOTICE OF APPEAL;
Plaintiffs,)	REPRESENTATION STATEMENT
v.)	(Ninth Circuit Rule 3-2.)
)	
LINDA LINGLE in her official)	
capacity as GOVERNOR OF THE)	
STATE OF HAWAI`I, GEORGINA)	
KAWAMURA, in her official capacity)	
as DIRECTOR OF THE)	
DEPARTMENT OF BUDGET AND)	
FINANCE, RUSS SAITO, in his)	
official capacity as STATE)	
COMPTROLLER, and DIRECTOR)	
OF THE DEPARTMENT OF)	
ACCOUNTING AND GENERAL)	
SERVICES, PETER YOUNG, in his)	
official capacity as CHAIRMAN OF)	

THE BOARD OF LAND AND)
NATURAL RESOURCES, SANDRA)
LEE KUNIMOTO, in her official)
capacity as DIRECTOR OF THE)
DEPARTMENT OF)
AGRICULTURE, TED LIU, in his)
official capacity as DIRECTOR OF)
THE DEPARTMENT OF)
BUSINESS, ECONOMIC)
DEVELOPMENT AND TOURISM,)
RODNEY HARAGA, in his official)
capacity as DIRECTOR OF THE)
DEPARTMENT OF)
TRANSPORTATION,)

State Defendants,)

HAUNANI APOLIONA, Chairman,)
and ROWENA AKANA, DONALD)
B. CATALUNA, LINDA DELA)
CRUZ, DANTE CARPENTER,)
COLETTE Y.P. MACHADO, BOYD)
P. MOSSMAN, OSWALD)
STENDER, and JOHN D.)
WAIHE`E, IV in their official)
capacities as trustees of the Office)
of Hawaiian Affairs,)

OHA Defendants,)

MICAH KANE, Chairman, and)
WONDA MAE AGPALSA, HENRY)
CHO, THOMAS P. CONTRADES,)
QUENTIN KAWANANAKOA,)
HERRING K. KALUA, MILTON PA,)
and JOHN A.H. TOMOSO, in their)
official capacities as members of)
the Hawaiian Homes Commission,)

HHCA/DHHL Defendants,)

THE UNITED STATES OF)
AMERICA, and JOHN DOES 1)
through 10,)
)
Defendants,)
)
STATE COUNCIL OF HAWAIIAN)
HOMESTEAD ASSOCIATION;)
ANTHONY SANG, SR.,)
)
Defendant-Intervenors,)
)
HUI KAKO'O 'AINA)
HO'OPULAPULA, BLOSSOM)
FEITEIRA and DUTCH SAFFERY,)
)
Defendant-Intervenors.)
)

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that all Plaintiffs hereby appeal to the United States Court of Appeals for the Ninth Circuit from the final Judgment entered in this action on the 15th day of January, 2004 and from the orders listed in the Judgment and from all other interlocutory orders, including but not limited to the various bifurcation and scheduling orders and postponements and the December 16, 2003 Order Striking Plaintiffs' Counter Motion for Partial Summary Judgment and the February 10, 2004 Denial of Plaintiffs' Objections to the Magistrate Judge's Order Denying Discovery. Still pending in

the District Court is a bill of costs submitted by certain
Intervenors/Defendants and others may also be filed. In the event
the District Court does assess costs against Plaintiffs, this Notice of
Appeal is intended to apply to those orders as well.

DATED: Honolulu, Hawaii, February 12, 2004.

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REPRESENTATION STATEMENT

(Ninth Circuit Rule 3-2)

February 12, 2004

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