

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

RICHARD LYMAN, JR., et al.,
Appellants,
vs.
STATE LAND USE COMMISSION,
Appellee.

CIVIL NO. 20579

RICHARD LYMAN, JR., et al.,
Plaintiffs,
vs.
MYRON B. THOMPSON, et al.,
Defendants.

CIVIL NO. 20615

1969 JUL 10 AM 8 56
FILED
1ST CIRCUIT COURT
STATE OF HAWAII
CLERK

ORDER DENYING APPELLANTS' AND PLAINTIFFS'
MOTION FOR SUMMARY JUDGMENT AND GRANTING
APPELLEE'S AND DEFENDANTS' CROSS MOTION
FOR SUMMARY JUDGMENT

and

JUDGMENT

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JUDGMENT

This cause came on to be heard on the 7th day of May, 1969 at 8:30 o'clock, A.M., on Motion for Summary Judgment of the Trustees of the Estate of Bernice P. Bishop, Appellants in Civil No. 20579 and Plaintiffs in Civil No. 20615, and on Cross-Motion for Summary Judgment of the Land Use Commission of the State of Hawaii, Appellee in Civil No. 20579 and Defendants in Civil No. 20615 and the Court having heard arguments by counsel for Appellants and Plaintiffs and counsel for Appellee and Defendants and having reviewed

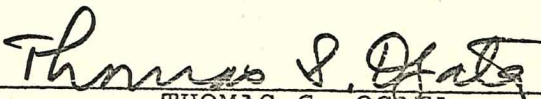
the pleadings and having considered the Land Use District maps for the State of Hawaii and the Land Use Commission's rules and regulations, and having reviewed the record and other documents filed herein,

IT IS ORDERED that Plaintiffs' Motion for Summary Judgment be and the same is hereby denied, and

IT IS FURTHER ORDERED that the Defendants' Motion for Summary Judgment be and the same is hereby granted, and

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Decision and ruling of the State Land Use Commission, that Heeia Fish Pond is in the conservation district, in Civil No. 20579 be and the same is hereby affirmed and that the Complaint in Civil No. 20615, praying that said Fish Pond area be determined and declared as urban, be and the same is hereby dismissed.

DATED: Honolulu, Hawaii, JUL 3 1969, 1969.


THOMAS S. OGATA
Judge of the above-entitled Court

APPROVED AS TO FORM:

Robert E. Brown