



**DEPARTMENT OF THE ATTORNEY GENERAL**

**DAVID Y. IGE**  
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ATTORNEY GENERAL

For Immediate Release  
July 28, 2017

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**HAWAII SUPREME COURT REFUSES TO RECONSIDER  
DECISION IN SUBSTITUTE AND PART-TIME TEACHERS CASE**

HONOLULU – The Hawaii Supreme Court yesterday denied a motion for reconsideration in *Kawashima v. State of Hawaii*. Last month the Supreme Court ruled in *Kawashima* that certain substitute teachers and part-time teachers who had worked for the State of Hawaii at relevant times between 2000 and 2012 were not entitled to back wages or interest for alleged underpayments by the State. That decision by the Hawaii Supreme Court closed more than a decade of litigation and ends the claims raised by the class action plaintiffs. The plaintiffs filed a motion for reconsideration of that decision, which the Supreme Court has now denied.

The State of Hawaii was represented at all stages of this litigation, including the appeal, by state attorneys from within the Hawaii Department of the Attorney General. The class action plaintiffs were represented by the local law firm Alston Hunt Floyd & Ing.

A copy of yesterday's ruling from the Hawaii Supreme Court denying the motion for reconsideration is attached.

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SCAP-15-0000462

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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DIANE KAWASHIMA, individually and  
on behalf of all others similarly situated,  
Plaintiff-Appellee/Cross-Appellant,

vs.

STATE OF HAWAI'I, DEPARTMENT OF EDUCATION;  
KATHRYN S. MATAYOSHI, in her official capacity as  
Superintendent of Schools; LANCE A. MIZUMOTO, BRIAN J.  
DELIMA, PATRICIA BERGIN, GRANT Y.M. CHUN, MAGGIE COX,  
HUBERT MINN, KENNETH UEMURA, BRUCE VOSS, JIM WILLIAMS,  
ANDREA LYN MATEO, and COLONEL PETER P. SANTA ANA,  
in their official capacities as members of the  
STATE OF HAWAI'I BOARD OF EDUCATION,  
Defendants-Appellants/Cross-Appellees,

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DAVID GARNER, PATRICIA SMITH, ANDREA CHRISTIE, ALLAN KLITERNICK,  
KAREN SOUZA, JO JENNIFER GOLDSMITH, and DAVID HUDSON,  
on behalf of themselves and all others similarly situated,  
Plaintiffs-Appellees,

vs.

STATE OF HAWAI'I, DEPARTMENT OF EDUCATION,  
Defendants-Appellants.

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ALLAN KLITERNICK, DAVID GARNER, JO JENNIFER GOLDSMITH,  
and DAVID HUDSON, individually and on behalf of all others  
similarly situated, Plaintiffs-Appellees,

vs.

KATHRYN S. MATAYOSHI, in her official capacity as Superintendent of Schools, LANCE A. MIZUMOTO, BRIAN J. DELIMA, PATRICIA BERGIN, GRANT Y.M. CHUN, MAGGIE COX, HUBERT MINN, KENNETH UEMURA, BRUCE VOSS, JIM WILLIAMS, ANDREA LYN MATEO, and COLONEL PETER P. SANTA ANA, in their official capacity as members of the STATE OF HAWAI'I BOARD OF EDUCATION, DEPARTMENT OF EDUCATION, STATE OF HAWAI'I, Defendants-Appellants.

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APPEALS FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(SCAP-15-0000463, SCAP-16-0000154, SCAP-16-0000331;  
CIV. NOS. 06-1-0244-02, 03-1-000305 and 05-1-00031)

ORDER DENYING MOTION FOR RECONSIDERATION  
(By: Recktenwald, C.J.)

Plaintiffs-Appellees timely filed a motion for reconsideration (Motion) on July 20, 2017, asking this court to reconsider our June 28, 2017 opinion (Opinion).

This court, having reviewed the Motion, together with the Opinion, and the records and files in this case,

IT IS HEREBY ORDERED that the Motion is denied.

DATED: Honolulu, Hawai'i, July 27, 2017.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Michael D. Wilson

/s/ Virginia L. Crandall

/s/ Gary W. B. Chang

