

#### DEPARTMENT OF THE ATTORNEY GENERAL

# **DAVID Y. IGE**GOVERNOR

### **DOUGLAS S. CHIN** ATTORNEY GENERAL

For Immediate Release January 5, 2017

News Release 2017-3

## COURT DISMISSES CAMPBELL HIGH SCHOOL FACILITIES LAWSUIT

HONOLULU – Attorney General Doug Chin announced today that in a written ruling dated December 30, 2016 and received by the Attorney General today, state circuit court judge Edwin C. Nacino has dismissed the lawsuit filed by State Representative Bob McDermott alleging that Campbell High School students have the right under the state and federal constitutions to better school facilities and to more extracurricular opportunities than are currently being offered.

Among other things, the lawsuit, filed by the Representative in his personal capacity, sought an order commanding the State to appropriate \$35 million for the construction of a new classroom building and other facility upgrades at Campbell High. Even though the court dismissed this lawsuit, heat abatement measures have already been implemented at Campbell and additional measures are being planned for the school. Last year the State Legislature appropriated \$12 million to the Department of Education for the planning, design and construction of a new 30 classroom building at Campbell. The Department of Education is requesting \$26.7 million from the Legislature this year in order to complete the project.

A copy of the court order in McDermott v. Mizumoto is attached.

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For more information, contact:

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#### CIVIL MOTIONS CALENDAR FIRST CIRCUIT FIFTEENTH DIVISION

WEDNESDAY, DECEMBER 28, 2016 DATE:

HONORABLE EDWIN C. NACINO, JUDGE PRESIDING JUDGE:

BERYL PARRILLA CLERK: THERESA REESE REPORTER:

AGLAE VANDENBERGH BAILIFF/LAW CLERK:

10:00 A.M.

1CC 16-1-001908 BOB MCDERMOTT ETAL VS. LANCE MIZUMOTO ETAL

JOHN S CARROLL FOR BOB MCDERMOTT

DEFENDANTS' MOTION TO DISMISS COMPLAINT FILED ON OCTOBER 12, 2016 (G. SUGANUMA)

\*\*\*COURT REPORTER: THERESA REESE\*\*\*

10:07 AM: COURT CONVENED W/APPEARANCES BEING MADE BY JOHN CARROLL AND ROBERT MATSUMOTO W/PLTF BOB MCDERMOTT; AND GARY SUGANUMA FOR DEFTS. 10:07 AM: THERE BEING NO OPPOSITION, THE COURT

GRANTED THE APPLICATION FOR EXTENDED COVERAGE SUBMITTED BY HAWAII NEWS NOW.

10:07 AM: ARGUMENT BY MR. SUGANUMA.

10:26 AM: ARGUMENT BY MR. MATSUMOTO.

10:44 AM: FURTHER ARGUMENT BY MR. SUGANUMA.

10;46 AM: COURT TOOK THE MATTER UNDER ADVISEMENT AND WILL RULE VIA MINUTE ORDER.

10:46 AM: MATTER CONCLUDED.

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MINUTE ORDER: DECEMBER 30, 2016
DEFENDANTS' MOTION TO DISMISS COMPLAINT FILED ON OCTOBER 12, 2016 CAME ON FOR HEARING ON DECEMBER 28, 2016 BEFORE THIS COURT. THE COURT INITIALLY TOOK THIS MATTER UNDER ADVISEMENT.

UPON CONSIDERATION OF THE WRITTEN SUBMISSIONS, THE FILES HEREIN, THE ARGUMENT OF COUNSEL, AND VIEWING THE COMPLAINT IN A LIGHT MOST FAVORABLE TO PLAINTIFF, THE COURT HEREBY GRANTS DEFENDANTS MOTION TO DISMISS COMPLAINT FILED ON OCTOBER 12, 2016 FOR THE REASONS ASSERTED BY DEFENDANTS.

MR. SUGANUMA TO PREPARE THE ORDER. A COPY OF THIS MINUTE ORDER WAS TRANSMITTED TO MR. SUGUNAMA, MR. MATSUMOTO, AND MR. CARROLL, VIA U.S. MAIL, ON **DECEMBER 30, 2016.** 

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# CIVIL MOTIONS CALENDAR FIRST CIRCUIT FIFTEENTH DIVISION

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DATE.	12-20-2016 BY ODDED OF THE COURT!	D. Parrilla	CLEDY	