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Attorneys for Defendants  
*STATE OF HAWAII; STATE OF HAWAII  
DEPARTMENT OF EDUCATION; STATE  
OF HAWAII DEPARTMENT OF COMMERCE  
AND CONSUMER AFFAIRS*

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

ROBERT'S HAWAII SCHOOL BUS, INC.,

Plaintiff,

v.

STATE OF HAWAII; STATE OF HAWAII,  
DEPARTMENT OF EDUCATION; STATE  
OF HAWAII DEPARTMENT OF  
COMMERCE AND CONSUMER AFFAIRS,

Defendants.

Civil No. 1CCV-23-0000754

**ORDER:**

**(1) DENYING IN PART AND  
GRANTING IN PART THE  
DEFENDANTS' MOTION TO DISMISS,  
OR IN THE ALTERNATIVE, FOR  
SUMMARY JUDGMENT FILED  
AUGUST 9, 2023 [DKT. 29], AND**

**(2) DENYING PLAINTIFF ROBERT'S  
HAWAII SCHOOL BUS, INC.'S  
MOTION FOR SUMMARY JUDGMENT  
FILED AUGUST 9, 2023 [DKT. 31]**

Hearing Date: November 7, 2023  
Time: 9:30 a.m.

Judge: Hon. Jeffrey P. Crabtree  
Trial Date: n/a

**ORDER:**

**(1) DENYING IN PART AND GRANTING IN PART THE DEFENDANTS’ MOTION TO DISMISS, OR IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT FILED AUGUST 9, 2023 [DKT. 29], AND**

**(2) DENYING PLAINTIFF ROBERT’S HAWAII SCHOOL BUS, INC.’S MOTION FOR SUMMARY JUDGMENT FILED AUGUST 9, 2023 [DKT. 31]**

Defendants State of Hawai‘i, State of Hawai‘i Department of Education, and State of Hawai‘i Department of Commerce and Consumer Affairs (“Defendants”) filed their Motion to Dismiss, or in the Alternative, for Summary Judgment (“Defendants’ Motion”) on August 9, 2023 as Dkt. 29. Plaintiff Robert’s Hawaii School Bus, Inc. (“Plaintiff”) also filed its Motion for Summary Judgment (“Plaintiff’s Motion”) on August 9, 2023 as Dkt. 31. Both Motions were heard on November 7, 2023 at 9:30 a.m. before the Honorable Jeffrey P. Crabtree in the Circuit Court of the First Circuit, State of Hawai‘i.

Having considered the Motions, the memoranda in support and opposition thereto, the arguments of counsel, and the records and files in this matter, and good cause appearing therefore, and for reasons including, but not limited to, those stated on the record at the November 7, 2023 hearing, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. The Defendants’ Motion is DENIED IN PART to the extent that it requests the dismissal of Plaintiff’s Complaint under Haw. R. Civ. P. 12(b)(6) on the basis of Plaintiff’s failure to meet the standing requirements of Haw. Rev. Stat. § 632-1(b). The Court finds that Plaintiff has standing.
2. The Defendants’ Motion is GRANTED IN PART to the extent that it requests entry of summary judgment in favor of Defendants and against Plaintiff on all claims raised in the Plaintiff’s Complaint for Declaratory Judgment (“Complaint”) filed on June 8, 2023 as Dkt. 1. There are no genuine issues of material fact and as a matter of law, Defendants are entitled to summary judgment in their favor. Specifically, the Court concludes that:
  - a. The protest bond provision of Haw. Rev. Stat. § 103D-709(e) (Supp. 2021) does not violate the right to petition, equal protection, or due process under either the Hawai‘i or U.S. Constitutions;
  - b. The protest bond provision is not a “fine” under the meaning of the

excessive fines clause of either the Hawai‘i or U.S. Constitutions.

3. The Plaintiff’s Motion is DENIED for the reasons stated above.
4. Final judgment shall be entered forthwith in favor of Defendants on all claims, causes of action, and prayers for relief in the Complaint.
5. This Order resolves all claims against all parties in this lawsuit.

DATED: Honolulu, Hawai‘i, November 9, 2023, 2023.

/s/ Jeffrey P. Crabtree



IT IS SO ORDERED: \_\_\_\_\_  
JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:

/s/ Lauren K. Chun

LAUREN K. CHUN

Deputy Solicitor General

Attorney for Defendants

*STATE OF HAWAII; STATE OF HAWAII  
DEPARTMENT OF EDUCATION; STATE  
OF HAWAII, DEPARTMENT OF  
COMMERCE AND CONSUMER AFFAIRS*

/s/ Jonathan S. Moore

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RICHARD E. WILSON

Attorneys for Plaintiff

*ROBERT'S HAWAII SCHOOL BUS, INC.*

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*Robert's Hawaii School Bus, Inc. v. State of Hawai‘i; State of Hawai‘i Department of Education; State of Hawai‘i Department of Commerce and Consumer Affairs, Civil No, 1CCV-23-0000754; Order: (1) Denying in Part and Granting in Part the Defendants’ Motion to Dismiss, or in the Alternative, for Summary Judgment filed August 9, 2023 [Dkt. 29], and (2) Denying Plaintiff Robert’s Hawaii School Bus Inc.’s Motion for Summary Judgment Filed August 9, 2023 [Dkt. 31]*