

**Electronically Filed
Supreme Court
SCAP-16-0000462
28-SEP-2017
08:07 AM**

SCAP-16-0000462

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

TAX FOUNDATION OF HAWAI'I, a non-profit corporation,
on behalf of itself and those similarly situated,
Petitioner/Petitioner-Appellant,

vs.

STATE OF HAWAI'I,
Respondent/Respondent-Appellee.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CAAP-16-0000462; CIV. NO. 15-1-2020-10)

ORDER

(By: Recktenwald, C.J.)

Upon consideration of Respondent State of Hawaii's motion to strike filed on September 15, 2017, Petitioner Tax Foundation of Hawaii's memorandum in opposition filed on September 18, 2017, and the record herein,

IT IS HEREBY ORDERED that the motion to strike is granted. The letter to the Chief Clerk filed by Petitioner Tax Foundation of Hawai'i on September 13, 2017, pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 28(j), is hereby stricken from the record.

IT IS FURTHER ORDERED that the letter to the Chief Clerk, and attachments, filed by Respondent State of Hawai'i on

DKT #25

September 7, 2017, pursuant to HRAP Rule 28(j), is also stricken, sua sponte.

IT IS FINALLY ORDERED that both parties may submit supplemental briefing on the following question:

The relevance, if any, of Act 1 (S.B. 4), 29th Leg., 1st Spec. Sess. (2017), to the disposition of this case?

Within fourteen days of the filing of this order, each party may file a supplemental brief, not exceeding five pages in length, exclusive of title page(s), indexes, appendices, and certificate of service. Each brief shall contain, at minimum, the following separate subsections in the following order: issue presented, argument, and a conclusion stating with particularity the recommended disposition of this case with respect to the issue identified herein.

DATED: Honolulu, Hawai'i, September 28, 2017.

/s/ Mark E. Recktenwald
Chief Justice

