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Intermediate Court of Appeals
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CAAP-18-0000578

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, OCEAN RESORT VILLAS NORTH VACATION OWNERS ASSOCIATION, VIC H. HENRY, and PETER A. BAGATELOS,

Plaintiffs/Appellees,

v.

COUNTY OF MAUI and MAUI COUNTY COUNCIL,

Defendants/Appellants.

Civil No. 13-1-0848(2) (PTC)

(Other Civil Action)

CAAP-18-0000578

APPELLANT COUNTY OF MAUI'S AND MAUI COUNTY COUNCIL'S NOTICE OF APPEAL FROM **1)** ORDER CERTIFYING FOR INTERLOCUTORY APPEAL THE FINDINGS OF FACT CONCLUSIONS OF LAW; [ILLEGALITY] ORDER, FILED MARCH 23, 2018, PURSUANT TO HAWAI'I REVISED STATUTES SECTION 641-1(b) AND STAYING PROCEEDINGS UNDER HAWAI'I RULES OF CIVIL PROCEDURE RULE 62(d) AND (e), **2)** ORDER CERTIFYING FOR INTERLOCUTORY APPEAL COUNTS V, VI, VII, AND VIII OF THE SECOND AMENDED COMPLAINT, FILED AUGUST 12, 2016, PURSUANT TO HAWAI'I RULES OF CIVIL PROCEDURE RULE 54(b), AND STAYING PROCEEDINGS UNDER HAWAI'I RULES OF CIVIL PROCEDURE RULE 62(d) AND (e), and **3)** FINAL JUDGMENT ON COUNTS V, VI, VII, AND VIII OF THE SECONDED AMENDED COMPLAINT FILED ON AUGUST 12, 2016

Second Circuit Court
Judge: Honorable Peter T. Cahill

DEFENDANTS/APELLANTS COUNTY OF MAUI'S and MAUI COUNTY COUNCIL'S STATEMENT OF NO OPPOSITION TO MOTION OF TAX FOUNDATION OF HAWAIʻI FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN SUPPORT OF APPELLEES

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DEFENDANTS/APELLANTS COUNTY OF MAUI'S and MAUI COUNTY COUNCIL'S STATEMENT OF NO OPPOSITION TO MOTION OF TAX FOUNDATION OF HAWAI'I FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN SUPPORT OF APPELLEES

Defendants/Appellants COUNTY OF MAUI and MAUI COUNTY COUNCIL have no opposition to the Motion of Tax Foundation of Hawai'i for Leave to File Amicus Curiae Brief in Support of Appellees, filed December 3, 2018, provided that Defendants/Appellants be permitted to file a response to the amicus curiae brief as provided by Hawai'i Rules of Appellate Procedure, Rule 28(g).[1] This appeal was initiated on **July 20, 2018**. *See*, CAAP-18-0000578, JEFS Dkt. 1, pages 1-16.

The Defendants/Appellants respectfully request the due date for any response to the amicus curiae brief be set at the earliest for the same date as the current due date for Defendants/ Appellants' Opening Appellate Brief, which is December 24, 2018.

DATED: Wailuku, Maui, Hawaii, December 7, 2018.

PATRICK K. WONG
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COUNTY OF MAUI and
MAUI COUNTY COUNCIL

By /s/ Brian A. Bilberry
BRIAN A. BILBERRY
Deputy Corporation Counsel

[1] HRAP Rule 28 provides in relevant part: **(g) Brief of *amicus curiae*.** An *amicus curiae* brief may be filed only by leave of the appellate court. The order granting leave shall fix the time for filing the amicus curiae brief and any response thereto. (Underline Emphasis added).