

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

KEVIN R. WALSH and BLANE M.)	CV NO 05-00378 DAE LEK
WILSON, STEVEN M.)	[CLASS ACTION]
ANNARELLI, and LYDIA R. HILL,)	
as individuals and on behalf of all)	
others similarly situated,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
CITY AND COUNTY OF)	
HONOLULU, a Hawaii municipal)	
corporation; MARK J. BENNETT,)	
Attorney General of the State of)	
Hawaii, in his official capacity; and)	
MARIE LADERTA, Interim)	
Director, State of Hawaii Department)	
of Human Resources Development,)	
in her official capacity,)	
)	
Defendants.)	
_____)	

ERRATA TO AMENDED ORDER GRANTING
 PLAINTIFFS’ MOTION FOR SUMMARY JUDGMENT AND DENYING
DEFENDANTS’ COUNTER MOTION FOR SUMMARY JUDGMENT

On June 29, 2006, this Court issued its Amended Order Granting Plaintiffs’ Motion for Summary Judgment and Denying Defendants’ Counter Motion for Summary Judgment. Footnote 2 on page 16 of the Order states that:

Prior to the commencement of the lawsuit, Section 78-1(c) of the Hawaii Revised Statutes contained a former resident exception, which permitted former Hawaii residents to apply for state government positions even though they currently resided on the mainland. However, following the inception of the lawsuit, the Hawaii legislature repealed this exception in the statute.

The Court also referenced the repeal of the “former resident exception” in Footnote 3 on Page 17 of the Order stating that:

Plaintiffs urge the Court to issue an opinion on the constitutionality of the former residence exception. While the Court does not see how the existence of an exemption for former residents would change its calculus, the Hawaii legislature repealed this exception at the inception of this lawsuit, and therefore, the Court finds no occasion to address this issue.

The Court clarifies that the “former resident exception” was not contained in the statute itself but rather in the applicable Hawaii Administrative Rule and City and County of Honolulu Civil Service Rule to implement Section 78-1(c) of the Hawaii Revised Statutes. This “former resident exception” was later repealed and/or amended by the Defendants in this action as opposed to the Hawaii legislature.

Accordingly, the Court issues an errata to Footnotes 2 and 3 of its June 29, 2006 Amended Order to reflect the above facts.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, August 15, 2006.





David Alan Ezra
United States District Judge

Kevin R. Walsh, et al. vs. City and County of Honolulu, et al., Civil No. 05-00378
DAE-LEK; ERRATA TO AMENDED ORDER GRANTING
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT AND DENYING
DEFENDANTS' COUNTER MOTION FOR SUMMARY JUDGMENT