

## Summary of Judge Sakamoto's Ruling

After 6 days of hearing, listening to the testimony of a dozen witnesses, and accepting dozens of exhibits into evidence, the Court found that it was unlikely that Ms. Hall would succeed on the merits of her claims and denied her Motion For Preliminary Injunction.

After conducting a thorough analysis of the burial laws (HRS Chapter 6E and its administrative rules sections), the Court found that Ms. Hall lacked standing to bring her claims that Kawaiaha'o Church violated the burial laws by failing to perform an archaeological inventory survey.

The Court determined that the Legislature intended the burial laws to apply to Native Hawaiian burials that were buried under traditional customs and practices. The Court did not, however, find any evidence that there were any pre-contact or traditional Native Hawaiian burials at the Kawaiaha'o Church property.

The Court also found that even if Ms. Hall did have standing to bring her claims, she was still unlikely to succeed on the merits because the State Historic Preservation Division fulfilled the requirements of the historic preservation review process and an archaeological inventory survey was not required.

The Court further determined that since the burial laws did not apply in this case, Ms. Hall was also unlikely to succeed on her claim that Kawaiaha'o Church was not entitled to proceed under the disinterment permit issued by the Department of Health.