



NEIL ABERCROMBIE
GOVERNOR

DAVID M. LOUIE
ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
CIVIL RIGHTS LITIGATION DIVISION
425 QUEEN STREET
HONOLULU, HAWAII 96813
(808) 586-1494
FAX (808) 586-1369

RUSSELL A. SUZUKI
FIRST DEPUTY ATTORNEY
GENERAL

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U.S. COURT OF APPEALS

October 10, 2012

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Office of the Clerk
James R. Browning Courthouse
U.S. Court of Appeals
P.O. Box 193939
San Francisco, CA 94119-3939

FILED _____
DOCKETED _____
DATE INITIAL

Re: Baker v. Kealoha, No. 12-16258
D.C. No. 1:11-cv-00528-ACK-KSC, District of Hawaii, Honolulu
Oral argument Thursday, December 6, 2012, 9:00 a.m.

Dear Sir/Ma'am:

I am writing to notify the Court that there will be no appearance on behalf of Defendants State of Hawaii and Governor Neil Abercrombie at the oral argument scheduled for December 6, 2012. The district court granted the State and the Governor's motion for judgment on the pleadings and Plaintiff did not appeal that ruling. The State and the Governor therefore have not participated in this appeal, including not filing a brief with this Court.

If there are any questions or comments I may be reached at (808) 586-1494.

Respectfully submitted,

Kendall J. Moser
Deputy Attorney General

cc: Richard L. Holcomb, Jr., Esq.
Curtis E. Sherwood, Esq.
Mark M. Murakami, Esq.