



**ORDER (1) GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT  
FILED APRIL 15, 2005 AND (2) DENYING DEFENDANTS' CROSS-MOTION  
FOR SUMMARY JUDGMENT FILED MAY 23, 2005**

Plaintiff's Motion for Summary Judgment filed April 15, 2005 ("Plaintiff's Motion") and Defendants' Cross-Motion for Summary Judgment filed May 23, 2005 ("Defendants' Cross-Motion") was heard before the Honorable Victoria S. Marks on June 9, 2005 at 8:30 a.m. Lea Hong, Esq. appeared on behalf of Plaintiff 'Ōlelo: The Corporation for Community Television ("Ōlelo"). Russell A. Suzuki, Esq. appeared on behalf of Defendants Office of Information Practices and Les Kondo, Director of Office of Information Practices. Les Kondo was also present.

The Court heard oral argument and considered Plaintiff's Motion, Defendants' Cross-Motion, the parties' supporting memoranda and exhibits, and the pleadings. Finding that there are no genuine issues of material fact,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion is GRANTED, and Defendants' Cross-Motion is DENIED.

MATERIAL FACTS NOT GENUINELY IN DISPUTE:

1. 'Ōlelo is a private, non-profit corporation.
2. 'Ōlelo It is not supported directly by taxpayer funds. Rather, it gets its funds from the cable provider, Time Warner Cablevision, through access fees paid by viewers.
3. There is no government control over 'Ōlelo's activities. 'Ōlelo's Chief Executive Officer and staff run its day-to-day operations.

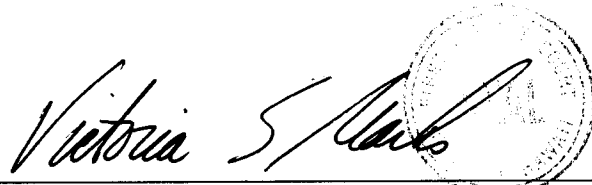
4. 'Ōlelo's employees are not State employees.
5. 'Ōlelo has title to its equipment and leases, not the State.
6. 'Ōlelo's activities are not a required function of any

government agency.

CONCLUSIONS OF LAW:

As a matter of law, 'Ōlelo is not an "agency" under the Uniform Information Practices Act, HRS § 92F-3.

DATED: Honolulu, Hawai'i, JUN 29 2005



JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:



RUSSELL A. SUZUKI  
Attorney for Defendants  
OFFICE OF INFORMATION  
PRACTICES and LES KONDO

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ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT FILED APRIL 15, 2005 AND DENYING DEFENDANTS' CROSS-MOTION FOR SUMMARY JUDGMENT FILED MAY 23, 2005; *'Ōlelo: The Corporation for Community Television v. Office of Information Practices, et al.*, Civil No. 04-1-1520-08 VSM