

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

N.D., A.U., C.K., C.J., M.D., B.A., ) G.S., T.F., and J.K., disabled minors, ) through their parents acting as ) guardians <i>ad litem</i> , ) ) Plaintiffs, ) ) vs. ) ) STATE OF HAWAII, ) DEPARTMENT OF EDUCATION, ) ) Defendants. ) _____ )	)	CV. NO. 09-00505 DAE-BMK
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RECUSAL

The Court hereby recuses itself, on its own motion, from all further proceedings involving any merits determination in this case. Over the course of the past few days, the Court has participated in meetings with the parties in an effort to facilitate discussions on the issues raised. Although these meetings did not implicate the merits of either the claims or defenses, the Court, out of an abundance of caution, offered to recuse itself from the merits of the case in order to continue assisting the parties in this effort. The Court believes recusal is a prudent action here because it would be improper for the Court to both work on an amicable out-of-court resolution and rule on the merits of the case.


The Court shall continue its involvement with the parties in an effort to assist them in their ongoing discussions. Because of the urgency of the issues involved here and this Court's preliminary participation thus far, the Court believes it can best serve the interests of the parties and the public by facilitating further discussions.

Accordingly, the Court returns the case on its merits for reassignment.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, October 30, 2009.



  
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David Alan Ezra  
United States District Judge

D.K. and A.K., et al. v. Lingle, et al., Civ. No. 09-00507 DAE-BMK; RECUSAL