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8	UNITED STATES DISTRICT COURT					
9	DISTRICT OF HAWAII					
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11	HONOLULUTRA SLATER; BENJAI	FFIC.COM; CLI	FF	CV No	. 11-0307 AW	Т
12	WALTER HEEN;	HAWAII'S			MENT AND	TION
13	THOUSAND FRIE BUSINESS HAWA ENTREPRENEUR	AII		PARI	IAL INJUNC'	HON
14	FOUNDATION; R and DR. MICHAE	ANDALL W. RO				
15	Plaintiff	,				
16	vs.	,				
17	FEDERAL TRANS	SIT				
18	ADMINISTRATION ROGERS, in his of	ON; LESLIE	j			
19	Federal Transit Ad Administrator; PET	ministration Regi	onal			
20	his official capacity Administration Ad	y as Federal Trans ministrator; UNI	sit			
21	STATES DEPART TRANSPORTATION	ON; RAY LAHO				
22	in his official capac Transportation; TH	ECITY AND	of 			
23	COUNTY OF HOME WAYNE YOSHIO	KA, in his officia	al			
24	capacity as Directo County of Honolul	or of the City and				
25	Transportation,					
26	Defenda	ants,				
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FAITH ACTION FOR COMMUNITY EQUITY; PACIFIC RESOURCE PARTNERSHIP; and MELVIN UESATO,

Intervenors - Defendants.

After briefing, hearing, and disposition of this case on the merits, *see HonoluluTraffic.com v. Fed. Transit Admin.*, 2012 WL 1805484 (D. Hawaii 2012) (partial grant of summary judgment); Order on Cross-Motions for Summary Judgment, filed Nov. 1, 2012 ("Summary Judgment Order"), the parties and the court addressed the appropriate remedy. The parties submitted additional briefing on the scope of any remedies, including any equitable relief. The remedy phase was fully argued and heard on December 12, 2012. After due consideration of those arguments, briefs, and the record, the court now enters its final Judgment, which shall include partial injunctive relief, as set forth below.

As reflected in its prior orders, the court granted summary judgment to Plaintiffs on three of their § 4(f) claims – claims arising under § 4(f) of the Department of Transportation Act, 49 U.S.C. § 303. The court granted summary judgment to Defendants on all other claims raised by Plaintiffs, which include Plaintiffs' remaining § 4(f) claims, all claim arising under the National Environmental Policy Act, 42 U.S.C. § 4321 *et seq.*, and all claims arising under § 106 of the National Historic Preservation Act, 16 U.S.C. § 470f. In entering its partial permanent injunction, the court has considered the well-recognized equitable factors that apply, *see, e.g., Monsanto Co. v. Geertson Seed Farms*, 130 S. Ct. 2743, 2756 (2010), and finds that, to the extent Defendants actions are enjoined, the four-factor test, on balance favors Plaintiffs, including: (1) irreparable injury: (2) the inadequacy of monetary relief; (3) the balance of hardships; and (4) the public interest.

IT IS, THEREFORE, ADJUDGED that this matter is remanded to the Federal Transit Administration, but without vacatur of the Record of Decision, to comply with the court's Summary Judgment Order.

DEFENDANTS, their officers, agents, servants, employees, and attorneys; and all other persons who are in active concert or participation with them, are hereby restrained and enjoined from conducting any construction activities and real estate acquisition activities in Phase 4 of the Honolulu High-Capacity Transit Corridor Project (the "Rail Project"). This injunction on Phase 4 construction activities shall terminate 30 days after Defendant Federal Transit Administration files with the court notice of Defendants' compliance with the Summary Judgment Order and evidence of such compliance, unless Plaintiffs file an objection within said 30-day period specifying how the Federal Transit Administration has failed to comply with the Summary Judgment Order. If such objection is timely filed, this injunction shall remain in effect pending the court's resolution of Plaintiffs' objection(s).

This injunction shall not prohibit, and Defendants may prepare, Phase 4 engineering and design plans, conduct geotechnical training, and conduct other preconstruction activities, including any activities that are appropriate to complete the additional analysis required by the Summary Judgment Order. This injunction shall not apply to Phases 1 through 3 of the Rail Project.

Within 150-180 days of the issuance of this Judgment, and every 90 days thereafter, Defendants shall file a status report setting forth the status of Defendants' compliance efforts with the terms of the Summary Judgment Order. Either by stipulation of all parties or upon noticed motion, Defendants may apply to except any activity otherwise prohibited by this injunction from its terms.

In the exercise of its discretion, the court determines that each party shall bear its own costs.

Dated: December 27, 2012.

/s/ A. Wallace Tashima
United States Circuit Judge
Sitting by designation