

DECLARATION OF COUNSEL

I, H. WILLIAM BURGESS, declare under penalty of perjury that the following is based on my personal knowledge and, as to the attached exhibits, true and correct to the best of my knowledge and belief after diligent inquiry:

I am the attorney of record for Plaintiffs–Appellants KUROIWA, et al in No. 08-16769 and Plaintiff-intervenor-Appellant MARUMOTO in 08-16668.

EXHIBIT 1 is a true and correct copy of CIVIL NO. 08-00153 JMS-KSC Order (1) Granting State Defendants’ Motion For Judgment On The Pleadings, and (2) Granting OHA Defendants’ Motion For Judgment On The Pleadings filed July 3, 2008.

EXHIBIT 2 is a true and correct copy of Civ. No. 05-00649 SOM/BMK Order Granting Second Motion For Summary Judgment filed June 20, 2008.

EXHIBIT 3 is a true and correct spreadsheet showing State of Hawaii payments to OHA as shown on OHA financial statements FYE 6/30 1981 through 2008.

EXHIBIT 4 is a true and correct copy of S-318, the Akaka bill introduced February 4, 2009 in the current 111th Congress.

DATED: Honolulu, Hawaii March 12, 2009.

/s/ H. William Burgess
H. William Burgess
Attorney for Plaintiffs–Appellants KUROIWA, et al
and Plaintiff-intervenor-Appellant MARUMOTO