## NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

## CONCURRING OPINION BY LEONARD, PRESIDING JUDGE

I concur in the result based on  $Blair\ v.\ Ing$ , 95 Hawai'i 247, 264-67, 21 P.3d 452, 469-72 (2001).

Presiding Judge