

NO. 28602

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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Civil No. 06-1-0265

UNITE HERE! LOCAL 5; ERIC W. GILL;  
TODD A.K. MARTIN, Plaintiffs,

vs.

CITY AND COUNTY OF HONOLULU, a municipal corporation;  
TURTLE BAY RESORT, L.L.C.,<sup>1</sup> a Hawai'i corporation, Defendants,

and

TURTLE BAY RESORT, L.L.C., a Hawai'i general  
partnership, Counterclaim Plaintiff,

vs.

UNITE HERE! LOCAL 5 HAWAI'I, a Hawai'i labor organization;  
ERIC W. GILL, an individual, Counterclaim Defendants.

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Civil No. 06-1-0867

KEEP THE NORTH SHORE COUNTRY, a Hawai'i non-profit corporation;  
and SIERRA CLUB, HAWAI'I CHAPTER, a foreign non-profit  
corporation, Petitioners/Plaintiffs-Appellants,

vs.

CITY AND COUNTY OF HONOLULU; HENRY ENG, Director of Department  
of Planning and Permitting, in his official capacity;  
TURTLE BAY RESORT, L.L.C., a Hawai'i general partnership,  
Respondents/Defendants-Appellees.

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CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(CIV. NOS. 06-1-0265 & 06-1-0867)

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<sup>1</sup> By order of this court, filed June 29, 2010, Turtle Bay Resort,  
L.L.C. was substituted for Kuilima Bay Resort.

ORDER DENYING MOTION FOR RECONSIDERATION

(By: Moon, C.J., Nakayama and Duffy, JJ.; and  
Circuit Judge Chan, in place of Recktenwald, J., recused;  
Acoba, J., dissenting)

Upon consideration of respondent/defendant-appellee Turtle Bay Resort, L.L.C.'s Motion for Reconsideration, filed April 19, 2010,<sup>2</sup> the papers in support and in opposition thereto, and the record herein,

IT IS HEREBY ORDERED that the motion for reconsideration is denied. See Sierra Club v. Department of Transportation, 115 Hawai'i 299, 167 P.3d 292 (2007).

DATED: Honolulu, Hawai'i, July 20, 2010.

Terence J. O'Toole, Sharon V. Lovejoy Lane Hornfeck McKay, and Shyla P. Cockett (of Starn O'Toole Marcus & Fisher) for respondent/defendant-appellee Turtle Bay Resort L.L.C.

William S. Hunt and Laura P. Couch (of Alston Hunt Floyd & Ing) and Rory R. Wicks (of Coast Law Group, Encinitas, CA), appearing pro hac vice, for petitioners/plaintiffs-appellants

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<sup>2</sup> By order of this court, filed June 22, 2010, the time to dispose the motion for reconsideration was extended to July 30, 2010.