

**Electronically Filed
Supreme Court
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SCWC-28358

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

PILA'A 400, LLC,
Petitioner/Appellant-Appellant,

vs.

BOARD OF LAND AND NATURAL RESOURCES and
DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAI'I,
Respondents/Appellees-Appellees.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(ICA NO. 28358; CIV. NO. 05-1-0103)

ORDER ACCEPTING APPLICATION FOR WRIT OF CERTIORARI

(By: Nakayama, Acting C.J., and McKenna, J.,
and Circuit Judge Trader, in place of Recktenwald, C.J., recused,
with Pollack, J., dissenting, with whom Acoba, J., joins)

Petitioner/Appellant-Appellant's application for writ
of certiorari filed on March 18, 2013, is hereby accepted and

will be scheduled for oral argument. The parties will be notified by the appellate clerk regarding scheduling.

DATED: Honolulu, Hawai'i, May 1, 2013.

Wesley H.H. Ching
and Kathleen M. Douglas
for petitioner

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

William J. Wynhoff for
respondent Department of Land
and Natural Resources

/s/ Rom A. Trader

Diane Erickson and Russell A.
Suzuki for respondent Board of
Land and Natural Resources



DISSENT BY POLLACK, J., IN WHICH ACOBA, J., JOINS

I respectfully dissent and would reject the application for writ of certiorari.

/s/ Simeon R. Acoba, Jr.

/s/ Richard W. Pollack