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Supreme Court
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SCWC-11-0000342

IN THE SUPREME COURT OF THE STATE OF HAWAII

THEODORE K. BLAKE, Petitioner/Plaintiff-Appellant,

vs.

COUNTY OF KAUAI PLANNING COMMISSION; COUNTY OF KAUAI
PLANNING DEPARTMENT; IAN COSTA, in his official capacity as
Planning Director; DEPARTMENT OF LAND AND NATURAL RESOURCES;
WILLIAM J. AILA, JR., in his official capacity as chair of the
Department of Land and Natural Resources; and STACY T.J. WONG,
as Successor Trustee of the Eric A. Knudsen Trust,
Respondents/Defendants-Appellees.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-11-0000342; CIV. NO. 09-4-0069)

ORDER GRANTING MOTION FOR RECONSIDERATION

(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack, JJ.)

Upon consideration of petitioner/plaintiff-appellant
Theodore K. Blake's motion for reconsideration filed on December
30, 2013,

IT IS HEREBY ORDERED that the motion is granted. The
published opinion filed on December 19, 2013, is amended as
follows:

On page 28, the sentence, "Thus, all the parties appear
to recognize that access to Phase I was always intended to be by
breaching Hapa Road and its adjacent wall" is replaced with the

following: "Thus, at the time the Planning Commission granted final subdivision approval of the development, all of the parties appeared to recognize that access to Phase I was intended to be by breaching Hapa Road and its adjacent wall."

An Amended Opinion will be filed contemporaneously with this Order.

DATED: Honolulu, Hawai'i, January 8, 2014.

David Kimo Frankel and
Ashley K. Obrey for
petitioner

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

