

**Electronically Filed
Supreme Court
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SCWC-11-0000625

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

SIERRA CLUB,
Petitioner/Appellant-Appellee,

vs.

CASTLE & COOKE HOMES HAWAI'I, INC., and
THE LAND USE COMMISSION OF THE STATE OF HAWAI'I,
Respondents/Appellees-Appellants,

and

OFFICE OF PLANNING, STATE OF HAWAI'I, DEPARTMENT OF PLANNING AND
PERMITTING, and NEIGHBORHOOD BOARD NO. 25,
Respondents/Appellees-Appellees.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-11-0000625; CIV. NO. 10-1-2424-11)

DISSENT TO ORDER DENYING MOTION FOR RECONSIDERATION
(By Recktenwald, C.J.)

As set forth in my concurrence and dissent to this court's December 23, 2013 opinion, I conclude that Duane Kanuha was a valid holdover member of the Land Use Commission. For that reason, I would grant Respondent/Appellee-Appellant Castle & Cooke Homes Hawai'i, Inc.'s motion for reconsideration filed on

January 2, 2014 and affirm the judgment of the Intermediate Court of Appeals.

DATED: Honolulu, Hawai'i, January 10, 2014.

/s/ Mark E. Recktenwald

