

**Electronically Filed
Supreme Court
SCWC-30683
17-MAR-2014
02:09 PM**

SCWC-30683

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

STACEY COSTALES,
Respondent/Plaintiff-Appellant/Cross-Appellee,

vs.

SCOTT ROSETE, in his official and individual capacity,
Petitioner/Defendant-Appellee/Cross-Appellant,

and

MELVIN ANDO, in his official and individual capacity;
GLENN YOSHIMOTO, in his official and individual capacity;
STATE OF HAWAI‘I; DEPARTMENT OF HUMAN SERVICES;
OFFICE OF YOUTH SERVICES,
Petitioners/Defendants-Appellees/Cross-Appellants,

and

JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10; DOE
CORPORATIONS 1-10; and DOE ENTITIES 1-10, Defendants.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(ICA NO. 30683; CIV. NO. 07-1-2360)

ORDER GRANTING IN PART AND DENYING IN PART
MOTION FOR RECONSIDERATION AND FOR COSTS

(By: Recktenwald, C.J., Nakayama, McKenna, and Pollack, JJ.)¹

Upon consideration of Respondent/Plaintiff-Appellant/Cross-Appellee Stacey Costales' Motion for Reconsideration and for Costs filed on March 7, 2014,

IT IS HEREBY ORDERED that the motion is granted in part and

¹ Associate Justice Acoba, who heard oral argument and signed the opinion filed on February 27, 2014, retired on February 28, 2014.

denied in part. Costs incurred on certiorari in the amount of \$56.65 are approved. Further, the published opinion filed on February 27, 2014, is amended as follows:

On page 34, the sentence, "Therefore, we affirm the circuit court's Final Judgment to the extent that it awarded Costales \$225,000 (\$300,000 reduced by 25%) in punitive damages from Rosete, in his individual capacity" is replaced with the following: "Therefore, we affirm the circuit court's Final Judgment to the extent that it awarded Costales \$300,000 in punitive damages from Rosete, in his individual capacity."

An Amended Opinion will be filed contemporaneously with this Order.

The motion is denied in all other respects.

DATED: Honolulu, Hawai'i, March 17, 2014.

Sue V. Hansen
for respondent
Stacey Costales

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

