

DISSENT BY ACOBA, J., WITH WHOM DUFFY, J., JOINS

I respectfully dissent. I would grant the motion for reconsideration filed by Petitioners/Plaintiffs-Appellants Alvarez Family Trust, Sergio S. Alvarez, and Margaret J. Alvarez, based upon the dissenting opinion regarding estoppel filed herein. See Alvarez v. Ass'n of Apt. Owners of the Kaanapali Alii, No. 27695, 2009 WL 4726616 , at \*22 (Haw. Dec. 11, 2009) (Acoba, J., dissenting, joined by Duffy, J.)