

DISSENT BY ACOBA, J.

I would reject the Application for Writ of Certiorari, but inasmuch as a majority has accepted the Application, I believe oral argument should be had in this case. See Blair v. Harris, 98 Hawai'i 176, 186-87, 45 P.3d 798, 808-09 (2002) (Acoba, J. concurring).