

NO. 28175

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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MAUNALUA BAY BEACH OHANA 28, a Hawai'i Non-Profit Corporation; MAUNALUA BAY BEACH OHANA 29, a Hawai'i Non-Profit Corporation; MAUNALUA BAY BEACH OHANA 38, a Hawai'i Non-Profit Corporation, individually and on behalf of all others similarly situated, Petitioners/Respondents/Plaintiffs-Appellees,

vs.

STATE OF HAWAI'I,  
Respondent/Petitioner/Defendant-Appellant.

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CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(CIV. NO. 05-1-0904-05 EEH)

ORDER REJECTING APPLICATIONS FOR WRIT OF CERTIORARI  
(By: Moon, C.J., for the majority<sup>1</sup>; Acoba, J., dissenting, with whom Duffy, J., joins)

Petitioners/respondents/plaintiffs-appellees Maunalua Bay Beach Ohana 28, Maunalua Bay Beach Ohana 29, and Maunalua Bay Beach Ohana 38's application for writ of certiorari, filed April 22, 2010, and respondent/petitioner/defendant-appellant State of Hawaii's application for writ of certiorari, filed April 26, 2010, are hereby rejected.

DATED: Honolulu, Hawai'i, June 9, 2010.

Paul Alston and  
Laura P. Moritz, for  
petitioners/respondents/  
plaintiffs-appellees

FOR THE COURT:

Chief Justice

Girard D. Lau and William  
J. Wynhoff, Deputy Attorneys  
General, for respondent/  
petitioner/defendant-appellant

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<sup>1</sup> The majority: Moon, C.J., Nakayama and Recktenwald, JJ.