

Electronically Filed
Supreme Court
SCWC-30110
17-JUL-2013
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NO. SCWC-30110

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

RICHARD NELSON III, KALIKO CHUN, JAMES AKIONA, SR.,
SHERILYN ADAMS, KELII IOANE, JR., and CHARLES AIPIA (deceased),
Respondents/Plaintiffs/Appellants,

vs.

HAWAIIAN HOMES COMMISSION, THE DEPARTMENT OF HAWAIIAN HOME LANDS,
JOBIE MASAGATANI, in her official capacity as Chair of the
Hawaiian Homes Commission, IMAIKALANI P. AIU, PERRY ARTATES,
LEIMANA K. DAMATE, GENE ROSS DAVIS, JEREMY KAMAKANEOALOHA
HOPKINS, MICHAEL P. KAHIKINA, IAN LEE LOY, and
RENWICK V. I. TASSILL, in their official capacities
as members of the Hawaiian Homes Commission,
Respondents/Defendants/Appellees,

and

KALBERT K. YOUNG, in his official capacity as the State Director
of Finance, and the STATE OF HAWAI'I,
Petitioners/Defendants/Appellees.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(ICA NO. 30110, CIVIL NO. 07-1-1663-08)

ORDER DENYING MOTION FOR RECONSIDERATION

(By: Recktenwald, C.J., Nakayama, and McKenna, JJ.; with
Pollack, J., concurring, and with Acoba, J., dissenting)

Upon consideration of the Motion for Reconsideration
filed by Respondents/Plaintiffs/Appellants Richard Nelson III,
Kaliko Chun, James Akiona, Sr., Sherilyn Adams, and Kelii Ioane,

Jr., on July 8, 2013, together with the Opinion, and the records and files in this case, and having fully considered the arguments set forth in the Motion,

IT IS HEREBY ORDERED that the motion is denied.

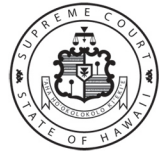
DATED: Honolulu, Hawai'i, July 17, 2013.

Alan T. Murakami and
Camille K. Kalama for
respondents

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna



CONCURRENCE BY POLLACK, J.

I concur in the denial of the Motion for Reconsideration for the reasons stated in my concurring opinion.

/s/ Richard W. Pollack



DISSENT BY ACOBA, J.

I respectfully dissent and would grant the motion for reconsideration.

/s/ Simeon R. Acoba, Jr.

