

DISSENT BY NAKAYAMA, J., IN WHICH RECKTENWALD, C.J., JOINS

For the reasons set forth in my dissent to this court's February 10, 2014 opinion, I would grant Respondent/Plaintiff-Appellee State of Hawaii's motion for reconsideration filed on February 19, 2014.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

