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Supreme Court  
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SCWC-11-0000342

IN THE SUPREME COURT OF THE STATE OF HAWAII

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THEODORE K. BLAKE, Petitioner/Plaintiff-Appellant,

vs.

COUNTY OF KAUAI PLANNING COMMISSION; COUNTY OF KAUAI  
PLANNING DEPARTMENT; IAN COSTA, in his official capacity as  
Planning Director; DEPARTMENT OF LAND AND NATURAL RESOURCES;  
WILLIAM J. AILA, JR., in his official capacity as chair of the  
Department of Land and Natural Resources; and STACY T.J. WONG,  
as Successor Trustee of the Eric A. Knudsen Trust,  
Respondents/Defendants-Appellees.

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CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(CAAP-11-0000342; CIV. NO. 09-4-0069)

ORDER GRANTING MOTION FOR RECONSIDERATION

(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack, JJ.)

Upon consideration of petitioner/plaintiff-appellant  
Theodore K. Blake's motion for reconsideration filed on December  
30, 2013,

IT IS HEREBY ORDERED that the motion is granted. The  
published opinion filed on December 19, 2013, is amended as  
follows:

On page 28, the sentence, "Thus, all the parties appear  
to recognize that access to Phase I was always intended to be by  
breaching Hapa Road and its adjacent wall" is replaced with the

following: "Thus, at the time the Planning Commission granted final subdivision approval of the development, all of the parties appeared to recognize that access to Phase I was intended to be by breaching Hapa Road and its adjacent wall."

An Amended Opinion will be filed contemporaneously with this Order.

DATED: Honolulu, Hawai'i, January 8, 2014.

David Kimo Frankel and  
Ashley K. Obrey for  
petitioner

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

