

**Electronically Filed
Supreme Court
SCWC-29742
29-MAY-2012
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NO. SCWC-29742

IN THE SUPREME COURT OF THE STATE OF HAWAII

ALAKA'I NA KEIKI, INC., Petitioner/Plaintiff-Appellant,

vs.

KATHRYN MATAYOSHI,¹ in her official capacity as
Superintendent of Education, Respondent/Defendant-Appellee.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(ICA NO. 29742; CIV. NO. 05-1-1658)

ORDER

(By: Acoba, Duffy, and McKenna, JJ.,
with Recktenwald, C.J., Dissenting,
with whom Nakayama, J., joins)

Upon consideration of Respondent/Defendant-Appellee
Kathryn Matayoshi's motion for reconsideration filed on May 21,
2012, requesting that this court review its opinion filed on May

¹ Pursuant to Hawai'i Rules of Appellate Procedure Rule 43(c)(1),
Kathryn Matayoshi, the current Superintendent of Education, has been
substituted for Patricia Hamamoto, the Superintendent of Education at the time
this case was decided by the first circuit court.

11, 2012, vacating and remanding the June 16, 2011 judgment of the Intermediate Court of Appeals and the March 4, 2009 judgment of the Circuit Court of the First Circuit,

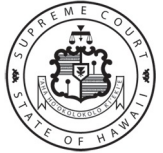
IT IS HEREBY ORDERED that the motion is denied.

DATED: Honolulu, Hawai'i, May 29, 2012.

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Sabrina S. McKenna



DISSENT

(By Recktenwald, C.J., with whom Nakayama, J., joins)

For the reasons set forth in my concurrence and dissent to this court's May 11, 2012 opinion, I would grant Respondent/Defendant-Appellee Kathryn Matayoshi's motion for reconsideration filed on May 21, 2012.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

