

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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UNIVERSITY OF HAWAI'I, Appellant-Appellee

vs.

NELSON B. BEFITEL, DIRECTOR, DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS, Appellee-Appellant

and

MANAIAKALANI N.K. KALUA, Appellee

NO. 24270

MOTION FOR RECONSIDERATION
(CIV. NO. 00-1-0443)

NOVEMBER 15, 2004

MOON, C.J., LEVINSON, NAKAYAMA, AND DUFFY, JJ.;
AND ACOBA, J., DISSENTING

Upon consideration of the motion for reconsideration
filed on June 25, 2004 by Appellee-Appellant Nelson B. Befitel,
Director of the Labor and Industrial Relations, the papers in
support and in opposition, and the record herein,

IT IS HEREBY ORDERED that the motion is denied.

Frances E.H. Lum and
Robyn M. Kuwabe, Deputy
Attorneys General, on
the motion for Appellee-
Appellant Director of
Labor and Industrial
Relations.

Ruth I. Tsujimura and
Evelyn Tsuno, Associate
General Counsels, University
of Hawai'i, for Appellant-
Appellee University of
Hawai'i.

DISSENT BY ACOBA, J.

I respectfully dissent, and would grant the motion for
reconsideration.