

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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ARTHUR F. KEPO'O, Plaintiff-Appellee

and

JAMES GROWNEY and MAUNA KEA HOMEOWNERS' ASSOCIATION,  
Intervenors-Plaintiffs-Appellees

vs.

MICAH KANE,<sup>1</sup> CHAIRPERSON, HAWAIIAN HOMES COMMISSION,  
DEPARTMENT OF HAWAIIAN HOME LANDS, STATE OF HAWAI'I,  
Defendants-Appellants

and

KAWAIHAE COGENERATION PARTNERS and WAIMANA  
ENTERPRISES, INC., Intervenors-Defendants-Appellants  
(CIV. NO. 94-004)

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LILLIAN K. DELA CRUZ, Plaintiff-Appellee

and

JAMES GROWNEY and MAUNA KEA HOMEOWNERS' ASSOCIATION,  
Intervenors-Plaintiffs-Appellees

vs.

DEPARTMENT OF HAWAIIAN HOME LANDS, by MICAH KANE,  
in his capacity as Chairman and Director; OFFICE OF  
ENVIRONMENTAL QUALITY CONTROL by GENEVIEVE SALMONSON,<sup>2</sup>

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<sup>1</sup> Pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 43(c)(1), Micah Kane, the current Chairperson of the Hawaiian Homes Commission and the Director of the Department of Hawaiian Home Lands, has been substituted for Kali Watson, the Chairperson and Director at the time this case was decided by the third circuit court.

<sup>2</sup> Pursuant to HRAP Rule 43(c)(1), Genevieve Salmonson, the current Director of the Office of Environmental Quality Control, has been substituted for Brian J.J. Choy, the Director at the time this case was decided by the third circuit court.

in her capacity as Director, Defendants-Appellants

and

KAWAIHAE COGENERATION PARTNERS and WAIMANA  
ENTERPRISES, INC., Intervenors-Defendants-Appellants  
(CIV. NO. 94-013)

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JOSEPHINE L. TANIMOTO, as a resident and lessee of  
the Kawaihae Hawaiian Home Lands, Plaintiff-Appellee

and

JAMES GROWNEY and MAUNA KEA HOMEOWNERS' ASSOCIATION,  
Intervenors-Plaintiffs-Appellees

vs.

DEPARTMENT OF HAWAIIAN HOME LANDS, by MICAH KANE,  
in his capacity as Chairman and Director; OFFICE OF  
ENVIRONMENTAL QUALITY CONTROL by GENEVIEVE SALMONSON,  
in her capacity as Director, Defendants-Appellants

and

KAWAIHAE COGENERATION PARTNERS and WAIMANA  
ENTERPRISES, INC., Intervenors-Defendants-Appellants  
(CIV. NO. 94-014)

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NO. 23702

MOTION FOR RECONSIDERATION

FEBRUARY 16, 2005

MOON, C.J., LEVINSON, ACOBA, JJ., CIRCUIT JUDGE GRAULTY,  
IN PLACE OF NAKAYAMA, J., RECUSED, AND CIRCUIT JUDGE  
AUGUST IN PLACE OF DUFFY, J., RECUSED

Intervenors-Defendants-Appellants Kawaihae Cogeneration  
Partners and Waimana Enterprises, Inc.'s motion for

reconsideration filed on January 14, 2005, requesting that this court review its opinion filed on January 4, 2005, affirming the third circuit court's August 15, 2000 amended final judgment, is hereby denied.

Michele-Lynn E. Luke  
(Richards & Luke), on the  
motion for Intervenors-  
Defendants-Appellants  
Kawaihae Cogeneration  
Partners and Waimana  
Enterprises, Inc.