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Supreme Court  
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NO. SCPW-12-0000799

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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MICHAEL C. TIERNEY, Petitioner,

vs.

TED SAKAI, INTERIM DIRECTOR, DEPARTMENT OF PUBLIC SAFETY, STATE  
OF HAWAI'I; SHARI KIMOTO; and JEANETTE BALTERO, Respondents.

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ORIGINAL PROCEEDING

ORDER DENYING MOTION FOR RECONSIDERATION

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

Upon consideration of petitioner Michael C. Tierney's motion for reconsideration of the October 9, 2012 order denying his petition for a writ of mandamus, which was electronically filed by the appellate clerk on November 2, 2012,

IT IS HEREBY ORDERED that the motion for reconsideration is denied.

DATED: Honolulu, Hawai'i, November 14, 2012.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack



DISSENT BY ACOBA, J.

I dissent and would grant the motion for reconsideration because HRS § 353H-7 evinces a mandatory request.

/s/ Simeon R. Acoba, Jr.