

* * * FOR PUBLICATION * * *
 in West's Hawai'i Reports and the Pacific Reporter

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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COUNTY OF KAUA'I, BY ITS COUNTY ATTORNEY LANI D.
 NAKAZAWA, Plaintiff-Appellee,

vs.

BRYAN J. BAPTISTE, MAYOR, COUNTY OF KAUAI; MICHAEL
 H. TRESLER, DIRECTOR OF FINANCE, COUNTY OF KAUA'I;
 AND KAUA'I COUNTY COUNCIL, Defendants-Appellees,

and

GORDON G. SMITH, INDIVIDUALLY; WALTER S. LEWIS,
 IN HIS CAPACITY AS TRUSTEE OF THE WALTER S. LEWIS
 REVOCABLE LIVING TRUST; MONROE F. RICHMAN, TRUSTEE,
 RICHMAN FAMILY TRUST; and MING FANG, TRUSTEE,
 MING FANG TRUST, Intervenors-Appellants.

NO. 27351

MOTION FOR RECONSIDERATION
 (CIV. NO. 04-1-0124)

SEPTEMBER 6, 2007

NORMA T. YARA
 CLERK, APPELLATE COURTS
 STATE OF HAWAII

2007 SEP -6 AM 7:47

FILED

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

Upon consideration of intervenors-appellants Gordon G. Smith, Individually; Walter S. Lewis, in his capacity as Trustee of the Walter S. Lewis Revocable Living Trust; Monroe F. Richman, Trustee, Richman Family Trust; and Ming Fang, Trustee, Ming Fang Trust's motion for reconsideration, filed August 16, 2007, the papers in support thereof, and the record herein,

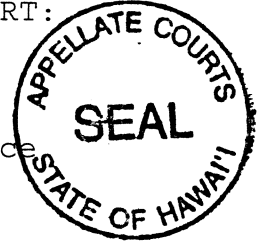
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IT IS HEREBY ORDERED that the motion for reconsideration is denied. Associate Justices Acoba and Duffy, having dissented from the majority in the original opinion, do not concur.

Robert H. Thomas (of Damon
Key Leong Kupchak Hastert),
for intervenors-appellants,
on the motion

FOR THE COURT:


Chief Justice



No. 27351 County of Kaua'i v. Baptiste -- Order Denying
Motion for Reconsideration