

FILED

2010 FEB 12 AM 9:08

EM RIMANOND
Clerk of the Supreme Court
State of Hawaii

NO. 27695

IN THE SUPREME COURT OF THE STATE OF HAWAII

ALVAREZ FAMILY TRUST; SERGIO S. ALVAREZ AND MARGARET
J. ALVAREZ, Petitioners/Plaintiffs-Appellants

vs.

ASSOCIATION OF APARTMENT OWNERS OF THE KAA NAPALI ALII,
Respondent/Defendant-Appellee.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEAL
(CIV. NO. 05-1-0013)

ORDER DENYING PETITIONERS/PLAINTIFFS-APPELLANTS'
MOTION FOR RECONSIDERATION, FILED DECEMBER 21, 2009
(By: Moon, C.J., Nakayama, J., and Circuit Judge
Nishimura, assigned by reason of vacancy; Acoba, J.,
dissenting, with whom Duffy, J., joins)

Upon consideration of petitioners/plaintiffs-appellants'
motion for reconsideration, filed December 21, 2009, the papers
in support thereof and in opposition thereto, and the record
herein,

IT IS HEREBY ORDERED that the motion is denied.

DATED: Honolulu, Hawai'i, February 12, 2010.

Terrance M. Revere and Rebecca
A. Szucs (of Motooka Yamamoto &
Revere), for petitioner/
plaintiffs-appellants

Matt A. Tsukazaki (of Li &
Tsukazaki), for respondent/
defendant-appellee

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Sergio S. Nakayama
[Handwritten signature]
Shank Nishimura