

**Electronically Filed
Supreme Court
SCAP-12-000018
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SCAP-12-000018

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

LIBERTY DIALYSIS-HAWAII, LLC,
a Delaware limited liability company,
Petitioner/Appellant-Appellant/Cross-Appellee,

vs.

RAINBOW DIALYSIS, LLC,
a Delaware limited liability company,
Respondent/Appellee-Appellee/Cross-Appellant,

and

STATE HEALTH PLANNING & DEVELOPMENT AGENCY,
DEPARTMENT OF HEALTH, STATE OF HAWAI‘I,
an administrative agency of the State of Hawai‘i,
Respondent/Appellee-Appellee.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CAAP-12-000018; CIV. NO. 11-1-0532-03)

ORDER DENYING MOTION FOR RECONSIDERATION

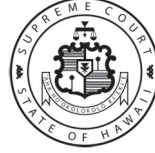
(By: Recktenwald, C.J., Nakayama, and McKenna, JJ.,
with Acoba, J., dissenting, with whom Pollack, J., joins)

Upon consideration of Petitioner/Appellant-Appellant/
Cross-Appellee Liberty Dialysis-Hawaii, LLC's motion for
reconsideration filed on July 8, 2013, and the records and files
herein,

IT IS HEREBY ORDERED that the motion is denied.

DATED: Honolulu, Hawai'i, July 16, 2013.

Michael L. Lam, Lisa K. /s/ Mark E. Recktenwald
Johnson, Daniel P. Collins, /s/ Paula A. Nakayama
and Allison B. Stein for /s/ Sabrina S. McKenna
petitioner/appellant-
appellant/cross-appellee



DISSENT

Based on the concurring and dissenting opinion filed herein on June 27, 2013, I would respectfully grant the motion for reconsideration.

/s/ Simeon R. Acoba, Jr.

/s/ Richard W. Pollack