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Supreme Court
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NO. SCWC-29630

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

ALOHACARE, Petitioner/Plaintiff-Appellant,

vs.

DEPARTMENT OF HUMAN SERVICES, Respondent/Defendant-Appellee.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(ICA NO. 29630; CIV. NO. 08-1-1531)

ORDER

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

Upon consideration of Respondent/Defendant-Appellee Department of Human Services's motion for reconsideration filed on May 21, 2012, requesting that this court review its opinion filed on May 11, 2012, vacating and remanding the August 12, 2011 judgment of the Intermediate Court of Appeals and the January 8, 2009 judgment of the Circuit Court of the First Circuit,

IT IS HEREBY ORDERED that the motion is denied.

DATED: Honolulu, Hawai'i, May 29, 2012.

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Sabrina S. McKenna



DISSENT

(By Recktenwald, C.J., with whom Nakayama, J., joins)

For the reasons set forth in my concurrence and dissent to this court's May 11, 2012 opinion, I would grant Respondent/Defendant-Appellee Department of Human Services's motion for reconsideration filed on May 21, 2012.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

