

IN THE SUPREME COURT OF THE STATE OF HAWAII

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SCI MANAGEMENT CORPORATION; HAWAIIAN MEMORIAL PARK CEMETERY;  
HAWAIIAN MEMORIAL LIFE PLAN, LTD. dba BORTHWICK MORTUARIES; and  
DEREK KIM, Plaintiffs-Appellees,

vs.

DARRYLLYNNE SIMS, and TAMMY QUINATA; HARRY YEE, FAYE KENNEDY,  
JACK LAW, JUNE MOTOKAWA, and ALLYCYN HIKADA TASAKA, in their  
official capacities as Commissioners of the HAWAII CIVIL RIGHTS  
COMMISSION, DEPARTMENT OF LABOR & INDUSTRIAL RELATIONS, STATE OF  
HAWAII; and WILLIAM D. HOSHIJO, in his official capacity as  
Executive Director of the HAWAII CIVIL RIGHTS COMMISSION,  
DEPARTMENT OF LABOR & INDUSTRIAL RELATIONS, STATE OF HAWAII,  
Defendants-Appellants.

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NO. 24485

MOTION FOR RECONSIDERATION  
(CIVIL. NO. 01-1-0776)

JULY 9, 2003

ORDER GRANTING IN PART AND DENYING IN PART  
MOTION FOR RECONSIDERATION

(By: Moon, C.J., Levinson and Nakayama, JJ.)

The motion for reconsideration filed on June 30, 2003 by the defendants-appellants Hawaii Civil Rights Commission (HCRC) and William D. Hoshijo, in his official capacity as Executive Director of the HCRC, requesting that this court review its published opinion, filed on June 18, 2003, is hereby granted in part and denied in part. The motion is granted to the extent that the passage "may decide in favor of the respondent on the merits, thereby ending the matter. . . ." on page 29 of the opinion is amended simply to read "may decide in favor of the respondent on the merits . . . ." The motion for reconsideration is denied in all other respects.

The Clerk of the Court is directed to incorporate the foregoing change in the original opinion.

Justice Acoba, having dissented from the majority opinion, would grant the motion for reconsideration but on the grounds set forth in his dissent.

Carl M. Varady and Eric  
K. Yamamoto, special counsel  
for the Hawai'i Civil Rights  
Commission (HCRC), for the  
defendants-appellants  
HCRC and William D. Hoshijo,  
in his official capacity as  
Executive Director of the HCRC,  
on the motion