

DISSENT BY NAKAMURA, J.

For the reasons set forth in my dissent to the "Order Upon Reconsideration of Memorandum Opinion Filed On March 7, 2008," in Appeal No. 28011, I respectfully dissent from the decision not to amend or vacate the Summary Disposition Order in this related Appeal No. 28179. The Summary Disposition Order was based upon our Memorandum Opinion in Appeal No. 28011. Upon reconsideration, I believe the reasoning we relied upon to affirm the Circuit Court of the First Circuit (circuit court) in the Memorandum Opinion was incorrect. Nevertheless, I believe the result we reached in the Memorandum Opinion and the result we reached in the Summary Disposition Order were correct. I therefore concur in the result reached in the Summary Disposition Order.

*Craig H. Nakamura*

