

STATEMENT OF NO POSITION

(By: Nakayama and Acoba, JJ., and Circuit Judge
Pollack, assigned by reason of vacancy)

Inasmuch as the motion for partial reconsideration of the concurring opinion of Chief Justice Moon does not request relief from the majority opinion, we take no position on the motion.

DATED: Honolulu, Hawai'i, May 3, 2006.

Samuel A. Nakayama
Richard W. Pollack
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