

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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GEORGE KAHO'OHANO HANO, LOREN ANDRADE, STATE OF HAWAI'I ORGANIZATION OF POLICE OFFICERS (SHOPO), PAULINE EFHAN, and NORMA CARVALHO, Plaintiffs-Appellants/Cross-Appellees

and

JACKIE FERGUSON-MIYAMOTO, HENRY F. BEERMAN, ODETTA FUJIMORI, DARWIN J. HAMAMOTO, PILIALOHA E. LEE LOY, ALTON KUIOKA, COLBERT M. MATSUMOTO, and GEORGINA KAWAMURA in their official capacities as Trustees of the Employees' Retirement System of the State of Hawai'i and not in their individual capacities, Intervenor Plaintiffs-Appellants/Cross-Appellees

vs.

STATE OF HAWAI'I, Defendant-Appellee/
Cross-Appellee/Cross-Appellant

and

CITY AND COUNTY OF HONOLULU, Intervenor Defendant-Appellee/Cross-Appellant/Cross-Appellee

and

COUNTY OF KAUA'I, COUNTY OF MAUI, and COUNTY OF HAWAI'I, Additional Defendants-Appellees/
Cross-Appellees/Cross-Appellants

NORMAL YARA
CLERK APPELLATE COURT
STATE OF HAWAII

2007 SEP 28 PM 4:17

FILED

NO. 26178

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 02-1-1001)

SEPTEMBER 28, 2007

ORDER DENYING MOTION FOR RECONSIDERATION

(By: Nakayama, Acoba, JJ., and Circuit Judge Town, in Place of Duffy, J., recused; and Moon, C.J., dissenting, With Whom Levinson, J., Joins)

Defendant-Appellee/Cross-Appellant State of Hawaii's motion for reconsideration filed on August 13, 2007, requesting

that this court review its opinion filed on July 23, 2007, is hereby denied.

Mark J. Bennett, Attorney General, State of Hawai'i, Clyde Wm. Matsui, and Archie T. Ikehara, for Defendant-Appellee/Cross-Appellant, on the motion.

Hana A. Kawahara
[Signature]
[Signature]

DISSENT BY MOON, C.J., IN WHICH LEVINSON, J., JOINS

I would grant reconsideration with respect to the State's contentions that Act 100 does not violate article XVI, section 2 of the Hawai'i Constitution as discussed in my dissenting opinion.

[Signature]
Steven H. Levinson