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Supreme Court
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IN THE SUPREME COURT OF THE STATE OF HAWAIʻI

OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION,
OCEAN RESORT VILLAS NORTH VACATION OWNERS ASSOCIATION,
VIC H. HENRY, and PETER A. BAGATELOS,
Plaintiffs-Appellees,

vs.

COUNTY OF MAUI and MAUI COUNTY COUNCIL,
Defendants-Appellants.

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CAAP-18-0000578; CIV. NO. 13-1-0848(2))

DISSENT TO ORDER DISAPPROVING STIPULATION AND ORDER FOR PARTIAL DISMISSAL OF APPEAL WITH PREJUDICE AND FOR REMAND
(By Recktenwald, C.J., in which Nakayama, J., joins)

For the reasons articulated in my dissent from the Order Denying Motion for Partial Dismissal of Appeal with Prejudice and Remand for Vacating of Findings of Fact Conclusions of Law, Orders and Partial Final Judgment, I respectfully dissent. I would remand this case to the circuit court to determine whether and what parts of its orders should be vacated and address the stipulation based on the outcome on remand.

DATED: Honolulu, Hawai‘i, March 11, 2020.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama