

NO. 22078

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

ROBERT A. LUKE, Plaintiff-Appellee,

vs.

ASSOCIATION OF APARTMENT OWNERS OF
RIDGECREST, Defendant-Appellant,

and

ASSOCIATION OF APARTMENT OWNERS OF
VALLEYVIEW (MELEMANU WOODLANDS); JOHN V.
GIBSON, and ASSOCIATION OF APARTMENT OWNERS
OF VALLEY REC CENTER (MELEMANU WOODLANDS),
Defendants.

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 95-0492)

ORDER DENYING DEFENDANT-APPELLANT'S
MOTION FOR RECONSIDERATION WITH
INSTRUCTIONS TO THE CLERK OF THE COURT
(By: Moon, C.J., for the court¹)

Upon consideration of defendant-appellant Association of Apartment Owners of Ridgecrest's motion for reconsideration, filed June 23, 2003, the papers in support thereof, and the record herein,

IT IS HEREBY ORDERED that the motion is denied.

IT IS FURTHER ORDERED that, inasmuch as the aforementioned motion erroneously utilized case No. 21421 (previously dismissed

¹ Considered by: Moon, C.J.; Levinson, J.; Circuit Judge Marks, in place of Acoba, J., who is unavailable; Circuit Judge Sakamoto, assigned by reason of vacancy; and Intermediate Court of Appeals Chief Judge Burns, in place of Nakayama, J., recused.

by this court on October 14, 1998) rather than case No. 22078 (the correct number assigned to the appeal in this case), the Clerk of the Supreme Court is instructed to: (1) remove defendant-appellant Association of Apartment Owners of Ridgecrest's motion for reconsideration, filed June 23, 2003, from the supreme court file in case No. 21421; (2) cross-out the erroneous case number, noting the correct case number; and (3) place the motion in supreme court file in case No. 22078.

DATED: Honolulu, Hawai'i, July 1, 2003.

Sidney K. Ayabe and
Ronald Shigekane (of Ayabe,
Chong, Nishimoto, Sia &
Nakamura), for defendant-
appellant Association of
Apartment Owners of Ridgecrest

FOR THE COURT:

Chief Justice