

NO. 23108

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

PATRICIA COUGHLIN, Plaintiff-Appellant

vs.

WILLIAM CATALDO, Defendant-Appellee, et al.

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NOS. 88-0642 and 88-0961)

ORDER DENYING MOTION FOR RECONSIDERATION

(By: Moon, C.J., Levinson, Nakayama, Ramil, JJ.,
and Circuit Judge Simms, assigned by reason of vacancy)

Upon consideration of the motion for reconsideration of the June 22, 2000 order dismissing appeal, the papers in support and the record, it appears that: (1) the denial of interlocutory certification of the April 4, 1997 order did not prevent immediate review of the order under the collateral order doctrine; cf. State v. Baranco, 77 Hawai'i 351, 884 P.2d 729 (1994); (2) the matter of enforcement of the preliminary injunction was collateral to the merits of the claims asserted in Appellant's complaint, which did not assert a claim for injunctive relief; and (3) the assertion that the preliminary injunction was violated was not a claim for relief asserted in Appellant's complaint and the fact that the September 22, 1999 stipulated dismissal purported to except the "claim for violation of the preliminary injunction" from the claims dismissed did not convert the stipulation for dismissal of all claims into a

stipulation for partial dismissal of claims. Therefore,

IT IS HEREBY ORDERED that the motion for
reconsideration is denied.

DATED: Honolulu, Hawai'i, July 12, 2000.

Christopher A. Dias for
plaintiff-appellant on the
motion