

NO. 24552

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MYLES TAMASHIRO, WARREN TOYAMA, HEATHER FARMER,
FILO TU, JEANETTE TU, LYNN MISAKI, CLYDE OTA,
MIRIAM ONOMURA, and YOSHIKO NISHIHARA,
Plaintiffs-Appellees/Cross-Appellants

vs.

DEPARTMENT OF HUMAN SERVICES, STATE OF HAWAI'I; JON L. KOKI,
in his capacity as Business Manager for Ho'Opono,
NEIL SHIM, in his capacity of Administrator of the
Division of Vocational Rehabilitation, State of Hawai'i,
Department of Human Services; DAVE EVELAND, in his capacity
of Administrator of the Services to the Blind Branch
of the State of Hawai'i, Department of Human Services; and
SUSAN CHANDLER, in her capacity as Director of the
State of Hawai'i, Department of Human Services,
Defendants-Appellants/Cross-Appellees

and

CITY AND COUNTY OF HONOLULU, Defendant-Appellee

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 96-3011)

ORDER DENYING MOTION FOR RECONSIDERATION

(By: Moon, C.J., Nakayama, Ramil, and Acoba, JJ., and
Circuit Judge Nakea, in place of Levinson, J., recused)

Upon examination of Defendant-Appellant/Cross-Appellee
State of Hawai'i Department of Human Services' (Appellant DHS)
October 15, 2002 motion for reconsideration of our October 11,
2002 order striking Appellant DHS's cross-appeal answering brief,
striking the case from the ready calendar, and requiring re-
briefing, we note that Appellant DHS failed to support its motion
for reconsideration with a declaration of counsel to the effect

that the motion was presented in good faith and not for purposes of delay, as Rule 40(b) of the Hawai'i Rules of Appellate Procedure required. Furthermore, we conclude that Appellant DHS's motion for reconsideration lacks merit. Therefore,

IT IS HEREBY ORDERED that Appellant DHS's October 15, 2002 motion for reconsideration is denied.

DATED: Honolulu, Hawai'i, October 25, 2002.

Dorothy Sellers, Deputy
Attorney General, for
defendants-appellants/
cross-appellees on the
motion

Evan R. Shirley,
Stanley E. Levin
and Anne Williams for
plaintiffs-appellees/
cross-appellants on the
response