

NO. 25307

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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RODNEY L. WEST, an individual, Plaintiff-Appellee

vs.

THE ESTATE OF VIRGINIA MOORE; FOR VIRGINIA MOORE,  
Defendant-Appellant

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THE ESTATE OF VIRGINIA MOORE,  
Defendant-Third-Party Plaintiff-Appellant

vs.

ISEMOTO CONTRACTING CO., LTD., Third-Party Defendant-Appellee

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APPEAL FROM THIRD CIRCUIT COURT  
(Civ. No. 00-1-0068K)

ORDER DISMISSING DEFENDANT-APPELLANT THE ESTATE OF VIRGINIA  
MOORE'S MOTION FOR LEAVE TO DISMISS APPEAL WITHOUT PREJUDICE  
(By: Levinson, J.)

Upon consideration of Defendant-Appellant The Estate of Virginia motion for leave to dismiss appeal without prejudice, the papers in support, and the records and files herein, it appears that: (1) on January 24, 2003, this court dismissed this appeal for lack of appellate jurisdiction; and (2) Defendant-Appellant's motion for leave to dismiss appeal without prejudice is moot. Therefore,

IT IS HEREBY ORDERED that Defendant-Appellant's motion for leave to dismiss appeal is dismissed.

DATED: Honolulu, Hawai'i, January 30, 2003.

Gregory K. Markham,  
Keith Kato, Jeffrey S.  
for defendant-appellant  
on the motion

STEVEN H. LEVINSON  
Associate Justice