

NO. 25755

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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J.P. SCHMIDT, in his capacity as Liquidator and Trustee of the  
Pacific Group Medical Association Liquidating Trust,  
Appellee-Plaintiff

vs.

PACIFIC BENEFIT SERVICES, INC.,  
Appellant/Defendant.

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APPEAL FROM THE FIRST CIRCUIT COURT  
(CIV. NOS 97-5273 AND 99-4504)

ORDER DENYING APPELLEE'S MOTION TO DISMISS APPELLANT'S  
NOTICE OF APPEAL FOR LACK OF APPELLATE JURISDICTION  
AND FOR AN AWARD OF REASONABLE ATTORNEY'S FEES AND COSTS  
(By: Levinson, J., for the court<sup>1</sup>)

Upon consideration of Appellee's motion to dismiss  
Appellant's notice of appeal for lack of appellate jurisdiction  
and for an award of reasonable attorney's fees and costs, the  
papers in support and opposition, and the records and files  
herein,

IT IS HEREBY ORDERED that the motion to dismiss appeal  
is denied without prejudice to Appellee presenting any argument  
in the answering brief.

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<sup>1</sup> Considered by: Moon, C.J., Levinson, Nakayama and  
Acoba, JJ., and Circuit Judge August, assigned by reason of  
vacancy.

IT IS FURTHER ORDERED that the motion for award of reasonable attorney's fees and costs is denied.

DATED: Honolulu, Hawai'i, July 3, 2003.

FOR THE COURT:

STEVEN H. LEVINSON  
Associate Justice

Clifford K. Higa, Wendell  
H. Fuji, Lanson K. Kupau,  
Duane C. Seabolt (Kobayashi  
Sugita & Goda) for  
appellee-plaintiff on  
the motion

Charles S. Lotsof  
for appellant on the  
opposition