

NO. 26186

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

DUANE PREBLE and MARION EVERSON, Plaintiff-Appellants,

vs.

BOARD OF TRUSTEES OF THE EMPLOYEES RETIREMENT SYSTEM OF THE STATE OF HAWAI'I; ADMINISTRATOR OF THE EMPLOYEES RETIREMENT SYSTEM OF THE STATE OF HAWAI'I; and THE EMPLOYEES RETIREMENT SYSTEM OF THE STATE OF HAWAI'I, Defendants-Appellees.

APPEAL FROM THE FIRST CIRCUIT COURT
(Civ No. 02-1-0832)

ORDER DENYING MOTION TO DISMISS APPEAL

(By: Levinson, J. for the court¹)

Upon consideration of defendants-appellees' motion to dismiss appeal, the papers in support and in opposition and the record,

IT IS HEREBY ORDERED that the motion to dismiss appeal is denied without prejudice to raising the issues presented therein in the answering briefs.

DATED: Honolulu, Hawai'i, February 6, 2004.

FOR THE COURT:

STEVEN H. LEVINSON
Associate Justice

Kevin P.H. Sumida and
Lance S. Au of Matsui Ching
Sumida & Tsuchiyama for
defendants-appellees ERS
Administrator and ERS on
the motion

Mark J. Bennett, Dorothy Sellers
and Kimberly Tsumoto for
defendant-appellee ERS Board
of Trustees on the joinder

¹Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Circuit Judge Alm, in place of Duffy, J., recused.