

NO. 26491

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

JAMES R. SMITH, Claimant/Appellant-Appellant

vs.

MAUI COUNTY BOARD OF VARIANCE AND APPEALS,
Defendant/Appellee-Appellee

APPEAL FROM THE SECOND CIRCUIT COURT
(CIV. NO. 03-1-0440)

ORDER DENYING MOTION FOR RECONSIDERATION

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon consideration of the motion for reconsideration of the July 20, 2004 order dismissing appeal, the papers in support and the record,

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

DATED: Honolulu, Hawai'i, August 13, 2004.