

**NOT FOR PUBLICATION**

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NO. 24892

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAI'I

HAWAII ENVIRONMENTAL HOLDINGS, Plaintiff-Appellant, v.  
CHARLES K. SOUZA and ALBERTA SOUZA, Defendants-Appellees

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT  
(Civ. No. 1RC01-5245)

SUMMARY DISPOSITION ORDER

(By: Burns, C.J., Watanabe, and Lim, JJ.)

Plaintiff-Appellant Hawaii Environmental Holdings (HEH) appeals from the December 7, 2001 "Order Granting Defendants' Motion for Reconsideration of Motion to Dismiss Complaint Filed August 7, 2001 with Prejudice and for an Award of Attorney's Fees and Costs" (the Order), entered by the District Court of the First Circuit, Judge David Lo presiding. The Order dismissed with prejudice HEH's assumpsit action against Defendants-Appellees Charles K. Souza and Alberta Souza for the balance due under a Solar Partnership Agreement and a Solar Energy Purchase Agreement.

In accordance with Hawai'i Rules of Appellate Procedure Rule 35, and after carefully reviewing the record and the briefs submitted by the parties, and duly considering and analyzing the law relevant to the arguments and issues raised by the parties,

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IT IS HEREBY ORDERED that the Order from which this appeal is taken is affirmed.

DATED: Honolulu, Hawai'i, June 10, 2004.

On the briefs:

Robert E. Chapman and  
Peter V. Lee (Stanton Clay  
Chapman Crumpton & Iwamura)  
for plaintiff-appellant.

Christopher R. Evans for  
defendants-appellees.