

NOT FOR PUBLICATION

NO. 25411

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

SUSAN KIEHM, Plaintiff-Appellee, v.
IAN ADAMS, Defendant-Appellant, and DOES 1-10, Defendants

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
NORTH AND SOUTH KONA DIVISION
(CIV. NO. 02-101KN)

ORDER GRANTING DEFENDANT-APPELLANT'S MOTION FOR RECONSIDERATION
AND VACATING MEMORANDUM OPINION

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

Upon consideration of "Defendant-Appellant's Motion for Reconsideration" filed on October 15, 2003,

IT IS HEREBY ORDERED that the motion is granted and that the October 8, 2003 Memorandum Opinion is vacated and a new opinion shall be entered.

Pursuant to Rule 40(c), Hawai'i Rules of Appellate Procedure, "[n]o response to a motion for reconsideration or reply to a response will be received unless requested by the court." No such request having been made by the appellate court, the "Memorandum in Opposition to Motion for Reconsideration" filed on October 17, 2003, was not considered by the court.

DATED: Honolulu, Hawai'i, October 22, 2003.

On the motion:

Elizabeth B. Croom
for Defendant-Appellant.

James Sogi
for Plaintiff-Appellee.

Chief Judge

Associate Judge

Associate Judge