

NO. 25662

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

DFS GROUP L.P., a Delaware limited partnership,
dba Hawaiian King Candies, Plaintiff-Appellee

vs.

PAIEA PROPERTIES, a Hawaii limited partnership,
Defendant-Appellant.

KHAWAKA
FILED
STATE COURTS
HONOLULU

2006 MAY -3 PM 1:53

FILED

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 02-1-2012)

ORDER DISMISSING "REAL PARTY IN INTEREST ALSTON HUNT
FLOYD & ING'S MOTION FOR PARTIAL RECONSIDERATION OF CONCURRING
OPINION OF CHIEF JUSTICE MOON, FILED APRIL 3, 2006
(By: Moon, C.J., with whom Levinson, J., joins)

Having considered "Real Party in Interest Alston Hunt Floyd & Ing's Motion for Partial Reconsideration of Concurring Opinion of Chief Justice Moon, Filed April 3, 2006," the papers in support thereof, and the record herein,

IT IS HEREBY ORDERED that the motion for partial reconsideration of the minority position is dismissed on the ground that the relief sought is not available under Hawai'i Rules of Appellate Procedure Rule 40 (permitting reconsideration of "the opinion, dispositional order or ruling" that a party asserts "the court [(i.e., the majority)] has overlooked or misapprehended" (emphasis added)).

DATED: Honolulu, Hawai'i, May 3, 2006.