

NO. 26877

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

EMERSON M.F. JOU, M.D., Provider-Appellant-Appellant,

vs.

J.P. SCHMIDT, Insurance Commissioner, Department of Commerce and Consumer Affairs, State of Hawaii, Appellee-Appellee,

and

AIG HAWAII INSURANCE CO., Respondent-Appellee-Appellee.

KHARRAT, KAKAO
CLERK, APPELLATE COURTS
STATE OF HAWAII

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FILED

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 03-1-2106)

ORDER DENYING MOTION FOR RECONSIDERATION

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

The motion for reconsideration filed on May 30, 2006 by provider-appellant-appellant, Emerson M.F. Jou, M.D., requesting that this court review its summary disposition order, filed on May 18, 2006, is hereby denied.

DATED: Honolulu, Hawai'i, June 13, 2006.

Stephen M. Shaw
for provider-appellant-
appellant Emerson M.F.
Jou, M.D. on the motion

[Handwritten signatures: Stephen M. Shaw, Steven Levinson, Fumio A. Nakayama, James E. Duffy, Jr.]

DISSENT BY ACOBA, J.

Based on my concurring and dissenting opinion filed herein, I would grant reconsideration on the issue of frivolousness.

[Handwritten signature]