NO. 26945

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

HANALEI GARDEN FARMS, INC.,
Plaintiff-Appellee/Cross-Appellant,

vs.

TOM PACE aka THOMAS W. PACE,
Defendant-Appellant/Cross-Appellee,

and

CARDINAL INVESTMENT COMPANY,
a Florida corporation, Defendant.

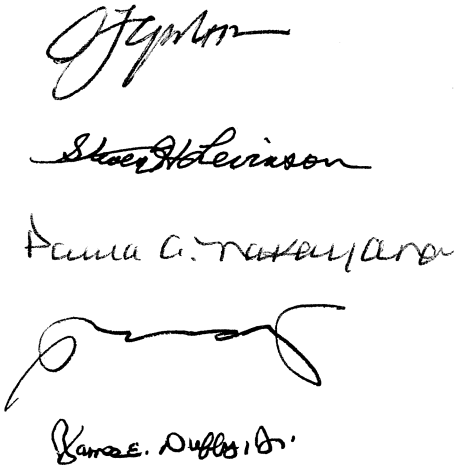
2008 JUN 26 PM 2:46
Jean Kikumoto
NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII
FILED

APPEAL FROM THE FIFTH CIRCUIT COURT
(CIV. NO. 00-01-0034)

ORDER DENYING MOTION FOR RECONSIDERATION
(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon consideration of Plaintiff-Appellee/Cross-Appellant Hanalei Garden Farms, Inc.'s motion for reconsideration of the memorandum opinion filed on May 30, 2008, and the record herein,

IT IS HEREBY ORDERED that the motion is denied without prejudice to raising the argument regarding attorneys' fees on remand to the circuit court.

DATED: Honolulu, Hawai'i, June 26, 2008.

Philip J. Leas and W. Keoni Shultz of Cades Schutte LLP for plaintiff-appellee/ cross-appellant on the motion