

NO. 26974

IN THE SUPREME COURT OF THE STATE OF HAWAII

JAMES R. SMITH, Claimant/Appellant-Appellant

vs.

MAUI COUNTY BOARD OF VARIANCE AND APPEALS
Defendant/Appellee-Appellee.

EM. RIMANUDO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2008 SEP 22 PM 2:59

FILED

APPEAL FROM THE SECOND CIRCUIT COURT
(CIV. NO. 03-1-0440)

ORDER DENYING MOTION FOR RECONSIDERATION

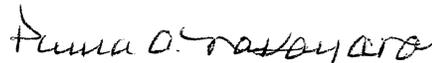
(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon consideration of Claimant/Appellant-Appellant James R. Smith's motion for reconsideration of the order granting in part and denying in part Defendant/Appellee-Appellee Maui County Board of Variances and Appeals' request for costs and the record herein,

IT IS HEREBY ORDERED that the motion for reconsideration is denied.

DATED: Honolulu, Hawaii, September 22, 2008.

James R. Smith,
Claimant/Appellant-
Appellant pro se,
on the motion



Kenneth E. Duffy, Jr.