

NO. 27832

IN THE SUPREME COURT OF THE STATE OF HAWAII

BANK OF HAWAII,
Respondent/Plaintiff-Appellee

vs.

MICHAEL L. SHINN,
Petitioner/Defendant-Appellant

and

BAYS, DEAVER, HIATT, KAWACHIKA & LEZAK,
a Hawai'i partnership, Defendant-Appellee

and

DONALD T EOVIINO; KAHALA VENTURES, a Hawai'i
general partnership; FIRST HAWAIIAN BANK; DONALD H.
WILSON, as Trustee of the Jerry T. Lynn Charitable
Remainder Trust; B&T ENTERPRISES, a California
corporation; RICHARD WALLACE and PATRICIA DAVISON
WALLACE, as Trustees of the Muldoon & Associates
Money Purchase Plan and Trust; UNIVERSAL SECURITIES
CO., LTD., a Japan corporation; LOREN H. COOK;
DARCY H. COOK; J. ROGER ALLEN; CATHREINE G.
ALLEN; JOHN DOES 1-50; JANE DOES 1-50; DOE
PARTNERSHIPS 1-50; DOE CORPORATIONS 1-50; DOE
ENTITIES 1-50; and DOE GOVERNMENTAL UNITS 1-50,
Defendants

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CIV. NO. 93-1151)

ORDER DENYING MOTION FOR RECONSIDERATION

(By: Moon, C.J., Acoba, and Duffy, JJ.;
and Retired Justice Levinson, appointed by reason
of vacancy on January 9, 2009, dissenting,
with whom Nakayama, J., joins)

Upon consideration of the motion for reconsideration
filed on January 8, 2009 by Petitioner/Defendant-Appellant

K. HAMAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2009 FEB 17 PM 2:16

FILED

Michael L. Shinn, requesting that this court review its opinion filed on December 29, 2008, the opposition filed by Respondent/Plaintiff-Appellee Bank of Hawai'i on January 26, 2009, and the record herein,

IT IS HEREBY ORDERED that the motion for reconsideration denied.

DATED: Honolulu, Hawai'i, February 17, 2009.

Gary Victor Dubin,
Long H. Vu, and
Frederick J. Arensmeyer
(Dubin Law Offices),
on the motion
for petitioner/defendant-
appellant.



Kanas E. Dully, Sr.

Mark T. Shklov,
Michel A. Okazaki, and
Peter Van Name Esser,
on the opposition
for respondent/plaintiff-
appellee.

DISSENT BY LEVINSON, J., IN WHICH NAKAYAMA, J., JOINS

Having filed a concurring and dissenting opinion, I respectfully dissent and would grant the motion for reconsideration.

