

NO. 25528

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

THE HAWAIIAN INSURANCE & GUARANTY COMPANY, LIMITED,
Respondent Appellant-Appellee, v. SHEUNG HO,
Claimant Appellee-Appellant, and WAYNE C. METCALF, III,
Insurance Commissioner, STATE OF HAWAI'I, DEPARTMENT OF
COMMERCE AND CONSUMER AFFAIRS, Appellee-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIV. NO. 02-2-1058)

ORDER GRANTING MOTION FOR RECONSIDERATION, VACATING THE SUMMARY
DISPOSITION ORDER OF COURT FILED ON NOVEMBER 24, 2004,
AND TO SUPPLEMENT RECORD ON APPEAL

(By: Lim, Acting C.J., Foley and Fujise, JJ.)

Upon consideration of Claimant Appellee-Appellant
Sheung Ho's (Ho) motion for reconsideration, filed on December 1,
2004 pursuant to Hawaii Rules of Appellate Procedure (HRAP)
Rule 40,

IT IS HEREBY ORDERED that the motion is granted and
that the Summary Disposition Order of the Court entered on
November 24, 2004 is vacated and a new opinion or order shall be
entered.

IT IS FURTHER ORDERED that pursuant to HRAP
Rule 10(e)(2)(c), the Clerk of the Circuit Court of the First
Circuit shall supplement the record on appeal in this case no
later than fifteen days from the date of this order, to include
all the records, documents and transcripts from a prior agency
appeal, Civil No. 97-1197-03, The Hawaiian Insurance & Guaranty

Company, Limited, Respondent-Appellant v. Sheung Ho, Claimant-Appellee and Reynaldo D. Graulty, Insurance Commissioner, State of Hawai'i, Department of Commerce and Consumer Affairs, Appellee, as Ho earlier sought to include in the record through his April 14, 2003 motion to supplement.

DATED: Honolulu, Hawai'i, December 9, 2004.

Acting Chief Judge

Ken T. Kuniyuki
(Kuniyuki & Chang),
on the motion for
claimant appellee-appellant.

Associate Judge

Associate Judge