

**NOT FOR PUBLICATION**

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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. 02-1-1058)

ORDER DENYING MOTION FOR RECONSIDERATION OF ORDER FILED ON  
DECEMBER 9, 2004

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

Having received "Respondent Appellant-Appellee The  
Hawaiian Insurance & Guaranty Company, Limited's Motion for  
Reconsideration of Order Granting Motion for Reconsideration,  
Vacating the Summary Disposition Order of Court Filed on  
November 24, 2004, and to Supplement Record on Appeal," filed on  
December 20, 2004, we note that the motion was not filed within  
10 days of the order of the Intermediate Court of Appeals dated  
December 9, 2004, as required under Hawaii Rules of Appellate  
Procedure Rule 40(a). Therefore,

IT IS HEREBY ORDERED that the motion is denied.

DATED: Honolulu, Hawai'i, December 27, 2004.

Acting Chief Judge

Gregory K. Markham and  
Jeffrey S. Masatsugu  
(Chee and Markham),  
on the motion for  
respondent appellant-appellee.

Associate Judge

Associate Judge