

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

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IN THE MATTER OF THE CLAIM OF FLOR DACANAY,
Claimant/Appellee-Appellee, v. LIBERTY MUTUAL INSURANCE
CO., Respondent/Appellant-Appellant, and J. P. SCHMIDT,
INSURANCE COMMISSIONER, Appellee-Appellee

NO. 25424

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(Civ. No. 02-1-1057)

ORDER DENYING MOTION FOR RECONSIDERATION

(By: Watanabe, Acting C.J., and Lim, J.;
and Foley, J., Dissenting)

Upon consideration of Respondent/Appellant-Appellant
Liberty Mutual Insurance Co.'s Motion for Reconsideration filed
on February 18, 2005 of the Intermediate Court of Appeals'
Opinion filed on February 9, 2005, the memorandum and affidavit
in support, and the records and files herein,

IT IS HEREBY ORDERED that the motion is denied.

DATED: Honolulu, Hawai'i, February 28, 2005.

James H. Monma and Anthony L.
Wong (Matsui Chung Sumida &
Tsuchiyama, of counsel) for
respondent/appellant-appellant.

Acting Chief Judge

Associate Judge

I respectfully dissent.

Associate Judge