

NO. 26949

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

EDGAR LUCZON IBERA, Petitioner-Appellee,
v.
BERT MISHIMA, Respondent-Appellant.

E.M. RIMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2008 MAR 20 AM 8:03

FILED

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1SS04-1-00897)

ORDER DENYING RESPONDENT/APPELLANT/APPELLEE BERT
MISHIMA'S MARCH 13, 2008 MOTION FOR RECONSIDERATION
(By: Watanabe, Presiding Judge, Nakamura and Fujise, JJ.)

Upon review of (1) the December 11, 2007 summary disposition order in the consolidated appeal of appellate case numbers 26949 and 27181, (2) the March 3, 2008 order denying the February 7, 2008 motion of Respondent/Appellant/Appellee Bert Mishima (Mishima) to continue disposition of the January 4, 2008 request by Petitioner/ Appellee/Appellant Edgar Lucson Ibera (Ibera) for an award of attorney's fees and costs pursuant to Hawaii Revised Statutes (HRS) 604-10.5 (Supp. 2007) and Rule 39 of the Hawai'i Rules of Appellate Procedure (HRAP) (hereinafter the March 3, 2008 order), (3) the March 6, 2008 order granting in part and denying in part Ibera's January 4, 2008 request for an award of attorney's fees and costs pursuant to HRS 604-10.5 (Supp. 2007) and HRAP Rule 39 (hereinafter the March 6, 2008 order), (4) Mishima's March 13, 2008 motion to reconsider the March 3, 2008 order and the March 6, 2008 order pursuant to HRAP

Rule 40, and (5) the record, it appears that Mishima's March 13, 2008 HRAP Rule 40 motion for reconsideration of the March 3, 2008 order and the March 6, 2008 order lacks merit. Therefore,

IT IS HEREBY ORDERED that Mishima's March 13, 2008 HRAP Rule 40 motion for reconsideration of the March 3, 2008 order and the March 6, 2008 order is denied.

DATED: Honolulu, Hawai'i, March 20, 2008.

Corenne K.A. Watanabe
Presiding Judge

Craig A. Nakanishi
Associate Judge

Ausa N. N. Fijina
Associate Judge