

NO. 25492

IN THE SUPREME COURT OF THE STATE OF HAWAII

HAWAII INSURERS COUNCIL, Plaintiff-Appellant,

vs.

BENJAMIN CAYETANO, GOVERNOR, STATE OF HAWAII;
STANLEY SHIRAKI, DIRECTOR OF FINANCE, DEPARTMENT OF
BUDGET AND FINANCE; KATHRYN MATAYOSHI, DIRECTOR,
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS;
WAYNE METCALF, INSURANCE COMMISSIONER, INSURANCE DIVISION,
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS,
Defendants-Appellees.

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 02-1-2295-09)

ORDER

(By: Levinson, J., for the court¹)

Upon consideration of Plaintiff-Appellant Hawaii Insurers Council's emergency motion for injunction pending appeal, the papers in support and opposition, and the records and files herein, it appears that Appellant fails to demonstrate that it is entitled to an injunction pending appeal. See Life of the Land v. Ariyoshi, 59 Haw. 156, 577 P.2d 1116 (1978) (to obtain injunctive relief pending appeal, the movant must show: (1) a substantial likelihood of prevailing on the merits; (2) the balance of harm favors the issuance of an injunction; and (3) an injunction is in the public interest). Therefore,

IT IS HEREBY ORDERED that the motion for injunction pending appeal is denied.

DATED: Honolulu, Hawai'i, December 3, 2002.

FOR THE COURT:

STEVEN H. LEVINSON
Associate Justice

¹ Considered by: Moon, C.J., Levinson, Nakayama, Ramil, and Acoba, JJ.