

NO. 24944

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

KATHERINE FUJIMORI, Plaintiff-Appellant,

vs.

USAA CASUALTY INSURANCE COMPANY, a foreign
corporation, Defendant-Appellee.

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 01-1-001701 (DTK))

ORDER OF DISMISSAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon consideration of: (1) plaintiff-appellant Katherine Fujimori's motion to dismiss her appeal as moot; (2) defendant-appellee USAA Casualty Insurance Company's memorandum re: plaintiff-appellant's Katherine Fujimori's motion to dismiss appeal; (3) plaintiff-appellant's reply memorandum; and (4) the records and files herein;

IT IS HEREBY ORDERED that:

1. The motion to dismiss appeal is granted, and this appeal is dismissed.
2. Appellee USAA's request for attorneys' fees is denied.
3. Appellee USAA may seek reimbursement for appellate costs on appeal by filing a request for costs, including an

itemized and verified bill of costs, in accordance with HRAP
Rule 39 within fourteen days from the date of this order.

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

Ian L. Mattoch and
Daniel P. Kirley,
for plaintiff-appellant,
on the motion

Terrance M. Revere and
Jacqueline E. Thurston,
(of Motooka Yamamoto
& Revere), for
defendant-appellee,
in opposition