

NO. 27479

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

FIDELITY NATIONAL TITLE INSURANCE COMPANY, a California corporation, Plaintiff-Appellee

vs.

DAMON SCHMIDT, Defendant-Appellant

and

INDYMAC BANK, a federal banking corporation, KALOKO II ASSOCIATION, a Hawaii non-profit corporation, KALOKO LANI TERRACE, an unincorporated association, COUNTY OF HAWAII, JOHN and JANE DOES 1-10, DOE PARTNERSHIPS, CORPORATIONS AND ENTITIES 1-10, and DOE GOVERNMENTAL UNITS 1-10, Defendants

EM. RIMANDO  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

2006 MAY 30 AM 10:53

FILED

APPEAL FROM THE THIRD CIRCUIT COURT  
(CIV. NO. 03-1-0097K)

ORDER DENYING MOTION FOR RECONSIDERATION  
OF MAY 9, 2006, ORDER GRANTING PLAINTIFF-APPELLEE'S  
SECOND MOTION TO DISMISS APPEAL

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

Upon consideration of Appellant's motion for reconsideration of May 9, 2006, order granting Plaintiff-Appellee's second motion to dismiss appeal and the record herein,

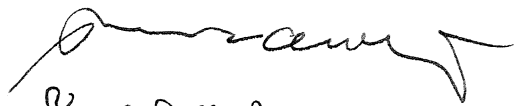
IT IS HEREBY ORDERED that the motion is denied.

DATED: Honolulu, Hawai'i, May 30, 2006.

Gary Victor Dubin  
for defendant-appellant  
on the motion



Anna C. Nakayama



Dennis E. Duffy, Jr.