

NO. 26877

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

EMERSON M.F. JOU, M.D., Provider-Appellant-Appellant,

vs.

J.P. SCHMIDT, Insurance Commissioner, Department of Commerce and Consumer Affairs, State of Hawaii,  
Appellee-Appellee,

and

AIG HAWAII INSURANCE CO., Respondent-Appellee-Appellee.

KHARRAT, KAADO  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

2006 JUN 13 PM 1:56

FILED

APPEAL FROM THE FIRST CIRCUIT COURT  
(CIV. NO. 03-1-2106)

ORDER DENYING MOTION FOR RECONSIDERATION

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

The motion for reconsideration filed on May 30, 2006 by provider-appellant-appellant, Emerson M.F. Jou, M.D., requesting that this court review its summary disposition order, filed on May 18, 2006, is hereby denied.

DATED: Honolulu, Hawai'i, June 13, 2006.

Stephen M. Shaw  
for provider-appellant-  
appellant Emerson M.F.  
Jou, M.D. on the motion

*[Handwritten signatures: Stephen M. Shaw, Steven Levinson, Fumio A. Nakayama, James E. Duffy, Jr.]*

DISSENT BY ACOBA, J.

Based on my concurring and dissenting opinion filed herein, I would grant reconsideration on the issue of frivolousness.

*[Handwritten signature]*