

NOS. 25923 & 25924

IN THE SUPREME COURT OF THE STATE OF HAWAII

No. 25923

(Civ. No. 01-1-1880)

HAWAII MEDICAL ASSOCIATION, Plaintiff-Appellant,

vs.

HAWAII MEDICAL SERVICE ASSOCIATION, INC.,
Defendant-Appellee.

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

2006 OCT 25 PM 3:08

FILED

No. 25924

(Civ. No. 02-1-1872 DDD)

MAXWELL COOPER, M.D., and MICHON MORITA, M.D.,
on behalf of themselves and all others similarly
situation, Plaintiffs-Appellants,

vs.

HAWAII MEDICAL SERVICE ASSOCIATION, INC.,
Defendant-Appellee.

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NOS. 02-1-1880 & 02-1-1872 DDD)

ORDER DENYING DEFENDANT-APPELLEE'S
MOTION FOR RECONSIDERATION
(By Moon, C.J., for the court¹)

Upon consideration of defendant-appellee Hawaii Medical Service Association's motion for reconsideration, filed September 18, 2006, the papers in support thereof, in opposition thereto, and the record herein,

¹ Considered by: Moon, C.J., Levinson, Nakayama, and Acoba, JJ.; Circuit Judge Blondin, in place of Duffy, J., recused.

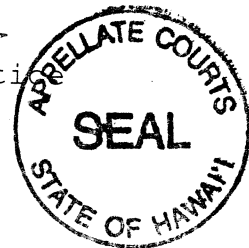
IT IS HEREBY ORDERED that the motion is denied.
Associate Justices Nakayama and Acoba, having dissented in part
from the majority's September 8, 2006 opinion, do not concur and
would grant the motion.

DATED: Honolulu, Hawai'i, October 25, 2006.

Ellen Godbey Carson and
Paul Alston (of Alston Hunt
Floyd & Ing) and Robert
Carson Godbey and Jess H.
Griffiths (of Godbey Griffiths
Reis), for defendant-appellee
in appeal Nos. 25923 & 25924,
on the motion

FOR THE COURT:


Chief Justice



Warren Price, III, Robert
A. Marks, and Rick J. Eichor,
(of Price Okamoto Himeno &
Lum); Robert F. Miller; and
Pamela M. Parker, *pro hac*
vice (of Lerach Coughlin
Stoia Geller Rudman &
Robbins, San Diego); Edith
M. Kallas and Joseph P.
Guglielmo, *pro hac vice*,
(of Whatley Drake & Kallas,
LLC, New York),
for plaintiff-appellant
in appeal No. 25923 and
for plaintiffs-appellants
in appeal No. 25924,
in opposition