

\*\*\* NOT FOR PUBLICATION \*\*\*  
in West's Hawai'i Reports and the Pacific Reporter

NO. 26188

IN THE SUPREME COURT OF THE STATE OF HAWAII

NORMA I. YARA  
CLERK, APPELLATE COURTS  
HAWAII

2007 JUN 26 PM 2:13

FILED

ALTHIA VIDINHA, Respondent-Appellant,

and

WARREN VIDINHA, CORY VIDINHA, KELLIE ANNE VIDINHA, JOEY VIDINHA, BRANDON VIDINHA and BRITANNY VIDINHA, Plaintiffs,

vs.

CLYDE T. MIYAKI, M.D., and SHARON LAWLER, M.D.,  
Petitioner-Appellees,

and

THE QUEEN'S MEDIAL CENTER, JOHN DOES 1-10, JANE DOES 1-10,  
DOE CORPORATIONS 1-10, and DOE PARTNERSHIP 1-10, Defendants.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(CIV. NO. 01-1-1477)

SUMMARY DISPOSITION ORDER

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

Petitioners-Defendants-Appellees Clyde T. Miyaki, M.D. ("Miyaki") and Sharon Lawler, M.D. ("Lawler") timely filed an application for writ of certiorari from the Intermediate Court of Appeals' ("ICA") decision in Vidinha v. Miyaki, 112 Hawai'i 336, 145 P.3d 879 (App. 2006), which vacated the October 21, 2003 First Amended Final Judgment of the Circuit Court of the First

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Circuit's<sup>1</sup> grant of summary judgment in Miyaki and Lawler's favor and remanded the case for further proceedings. This court granted certiorari on December 21, 2006 and subsequently ordered oral argument and further briefing.

Upon careful review of the record and the briefs submitted by the parties (including the supplemental briefs), having given due consideration to the argument advanced and the issue raised, and also having heard and carefully considered the parties' respective arguments at oral argument held on April 24, 2007,

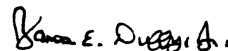
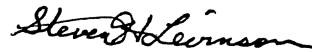
IT IS HEREBY ORDERED that the ICA's November 14, 2006 judgment on appeal is affirmed.

DATED: Honolulu, Hawai'i, June 26, 2007.

On the application and supplemental briefs:

George W. Playdon, Jr.,  
Kelvin H. Kaneshiro, and  
R. Aaron Creps (of Reinwald,  
O'Connor & Playdon LLP)  
for Petitioners-Defendants-  
Appellees Clyde T. Miyaki, M.D.  
and Sharon Lawler, M.D.

Michael J. Green, David J.  
Gierlach, and Debra A. Kagawa,  
for Respondent-Plaintiff-Appellant  
Althia Vidinha



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<sup>1</sup> The Honorable Elizabeth Eden Hifo presided.