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SCWC-12-0000535

IN THE SUPREME COURT OF THE STATE OF HAWAII

MATHEW S. MIKELSON,
Petitioner/Plaintiff-Appellee,

vs.

UNITED SERVICES AUTOMOBILE ASSOCIATION,
Respondent/Defendant-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-12-0000535; CIV. NO. 99-1856-05)

ORDER DENYING MOTION FOR PARTIAL RECONSIDERATION

(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack, JJ.)

Upon consideration of Petitioner/Plaintiff-Appellee Mathew S. Mikelson's Motion for Partial Reconsideration of Amended Order Accepting Application for Writ of Certiorari, Vacating in Part Intermediate Court of Appeals' Judgment on Appeal and Remanding to Intermediate Court of Appeals (Motion), filed on October 11, 2013, the documents attached thereto and the record, it is noted that generally a motion for reconsideration of an acceptance of an application for writ of certiorari would be dismissed. See Hawai'i Rules of Appellate Procedure (HRAP) Rule 40.1(h).

However, in light of the nature of the court's October 3, 2013 amended order accepting Mikelson's application for writ

of certiorari, the Motion was considered pursuant to HRAP Rule 40(a). Accordingly, based upon consideration of the Motion under HRAP Rule 40(a),

IT IS HEREBY ORDERED that the Motion is denied.

DATED: Honolulu, Hawai'i, October 18, 2013.

Gregory W. Kugle and
Tred R. Eyerly,
for petitioner

Kevin P.H. Sumida and
Ward F.N. Fujimoto,
for respondent

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

