Electronically Filed Intermediate Court of Appeals 28792 12-APR-2012 12:24 PM

NO. 28792

## IN THE INTERMEDIATE COURT OF APPEALS

## OF THE STATE OF HAWAI'I

WILLIAM RONALD DOLAN, CPA, Special Administrator for the Estate of ROSALINDA ITURRALDE and MIGUEL FUNES ITURRALDE, aka MIKE I. FUNES, Successor Personal Representative for the Estate of ARTURO C. ITURRALDE, Plaintiffs-Appellants, Cross-Appellees, v. HILO MEDICAL CENTER, a Hawai'i Non-Profit Corporation, HAWAI'I HEALTH SYSTEMS CORPORATION, a Public Benefit Corporation, STATE OF HAWAI'I, Defendants-Appellees, Cross-Appellants and MEDTRONIC SOFAMOR DANEK, USA, a Tennessee Corporation Licensed to do Business in Hawai'i, and ROBERT RICKETSON, M.D., Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT (CIVIL NO. 03-1-0017 (HILO))

ORDER DENYING MOTION FOR RECONSIDERATION
(By: Nakamura, Chief Judge, Fujise and Leonard, JJ.)

Upon consideration of Defendant-Appellee Medtronic Sofamor Danek, USA, Inc.'s April 9, 2012 Motion for Reconsideration of the Intermediate Court of Appeals' Opinion filed on March 30, 2012, and the records and files in this case, IT IS HEREBY ORDERED that the motion is denied. DATED: Honolulu, Hawaiʻi, April 12, 2012.

On the motion:

Edmund Burke
John Reyes-Burke
David Y. Suzuki
(BURKE McPHEETERS BORDNER &
ESTES)

and
Murray Levin
(PEPPER HAMILTON LLP)
for Defendant-Appellee
MEDTRONIC SOFAMOR DANEK USA,
INC.

Chief Judge

Associate

Associate Judge