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Intermediate Court of Appeals  
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NO. CAAP-21-0000656

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

STATE OF HAWAII,  
Plaintiff-Appellee/Cross-Appellant,  
v.  
PETER GREWER,  
Defendant-Appellant/Cross-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
(CASE NO. 5CPC-18-0000161)

ORDER DENYING MOTION FOR RECONSIDERATION  
(By: Wadsworth, Presiding Judge, and Guidry, J.,  
and McCullen, J., dissenting)

Upon consideration of the motion for reconsideration (**Motion**), filed on September 6, 2024, by Plaintiff-Appellee/Cross-Appellant State of Hawai'i (**State**), the papers in support, and the record, it appears that:

- (1) The State seeks reconsideration of this court's Summary Disposition Order filed on August 29, 2024;
- (2) The State does not present new evidence or arguments that could not have been presented in its answering brief, filed on September 23, 2022, see Citizens for Equitable & Responsible Gov't v. Cnty. of Hawai'i, 108 Hawai'i 318, 335, 120 P.3d 217, 234 (2005); and
- (3) The State presents no point of law or fact that this court overlooked or misapprehended. See Hawai'i Rules of Appellate Procedure Rule 40(b).

**NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS OR THE PACIFIC REPORTER**

Therefore, IT IS HEREBY ORDERED that the Motion is denied.

DATED: Honolulu, Hawai'i, October 4, 2024.

/s/ Clyde J. Wadsworth  
Presiding, J Judge

/s/ Kimberly T. Guidry  
Associate Judge

I would grant the Motion, therefore, I respectfully dissent.

/s/ Sonja M.P. McCullen  
Associate Judge