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NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS OR THE PACIFIC REPORTER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