

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

October 20, 2003

WALTER A.Y.H. CHINN, CLERK

CASE NUMBER: CV. 03-00312 HG-BMK

CASE NAME: ASSOCIATION OF APARTMENT OWNERS OF THE BOUGAINVILLE, BOARD OF DIRECTORS OF ASSOCIATION OF APARTMENT OWNERS OF THE BOUGAINVILLE, individually and on behalf of all others similarly situated, v. STATE FARM INSURANCE, et al.

ATTYS FOR PLA: Robert M. Hatch

ATTYS FOR DEFT: William C. McCorrison

INTERPRETER:

JUDGE: Helen Gillmor

REPORTER: Debra Chun

DATE: October 20, 2003

TIME: 9:00 - 10:00

COURT ACTION: Hearing on Defendant's Motion to Dismiss for Failure to State a Claim Upon Which Relief can be Granted and for Lack of Subject Matter Jurisdiction

DEFENDANT'S MOTION TO DISMISS is DENIED WITHOUT PREJUDICE.

The Court is inclined to dismiss PLAINTIFF'S COMPLAINT in order to allow the Plaintiffs to refer to the Hawaii Insurance Commissioner their allegations, including, but not limited to, whether the filed rate doctrine applies to the present case and whether Defendant's insurance policy in question and its inflation procedures and figures are in violation of any Hawaiian state law governing insurance.

Both parties are instructed to file with this Court a stipulation regarding any agreed upon terms of the dismissal without prejudice, which Defendant has agreed will include a tolling of the statute of limitations with respect to Plaintiffs' allegation, by October 27, 2003.

Submitted by: David H. Hisashima, Courtroom Manager

cc: Robert M. Hatch, Esq.
Thomas R. Grande, Esq.

William C. McCorrison, Esq.
Judge Gillmor's chambers

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David Hisashima
10/20/2003 05:24 PM

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tgrande@davislevin.com
cc:
Subject: CV. 03-00312HG-BMK AAO OF BOUGAINVILLE, ETC. v STATE
FARM INS., et al.

Attached is the minutes of today's hearing.



Bougainville Minute Order (10-20)