

MAR 28 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>NAUTILUS INSURANCE COMPANY,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>LEXINGTON INSURANCE COMPANY; DOE DEFENDANTS 1-10,</p> <p>Defendants - Appellees.</p>
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No. 10-17826

D.C. No. 1:09-cv-00537-DAE-
LEK

ORDER*

Appeal from the United States District Court
for the District of Hawaii
David A. Ezra, District Judge, Presiding

Submitted October 16, 2012**
Honolulu, Hawaii

Before: REINHARDT, THOMAS, and PAEZ, Circuit Judges.

In light of the Supreme Court of Hawai'i's decision addressing the certified questions in this case, the district court's order granting summary judgment to Defendants-Appellees and denying summary judgment to Plaintiff-Appellant is

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

VACATED. This case is REMANDED to the district court for further proceedings consistent with the Supreme Court of Hawai'i's decision in *Nautilus Insurance Co. v. Lexington Ins. Co.*, No. SCCQ-12-0000977, 2014 WL 560805 (Haw. Feb. 13, 2014).

Each party shall bear its own costs on this appeal.