

MAR 28 2014

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

NAUTILUS INSURANCE COMPANY,

Plaintiff - Appellant,

v.

LEXINGTON INSURANCE COMPANY;  
DOE DEFENDANTS 1-10,

Defendants - Appellees.

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

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\* 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.