

NO. CAAP-11-0000781

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

BG INCORPORATED, a Hawai'i corporation,
BRYAN FUNAI, and CYNTHIA J. FUNAI,
Plaintiffs/Counterclaim-Defendants/Appellees,
and
BARBARA SUMIDA, STANLEY UNTEN, et al.,
Defendants/Cross-Claim Defendants/Appellees,
v.
P.F. THREE PARTNERS, Defendant-Appellant,
and
WILLIAM S. ELLIS, JR,
Defendant/Counterclaim-Plaintiff/Cross-Claim Plaintiff/Appellant,
and
UPLAND INVESTMENTS, LTD. and OLINDA LAND CORPORATION,
Defendants/Cross-Claim Defendants/Appellees

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CIVIL NO. 05-1-0232(2))

AMENDED
ORDER DENYING JANUARY 23, 2012 HRAP RULE 40 MOTION
FOR RECONSIDERATION OF JANUARY 17, 2012 DISMISSAL ORDER
(By: Nakamura, Chief Judge, Foley and Reifurth, JJ.)

Upon review of (1) the January 17, 2012 order
dismissing Appeal No. CAAP-11-0000781 for lack of jurisdiction,
(2) Defendant/Counterclaim-Plaintiff/Cross-Claim Plaintiff/
Appellant William S. Ellis, Jr.'s (Appellant Ellis), January 23,

2012 motion to reconsider the January 17, 2012 dismissal order pursuant to Rule 40 of the Hawai'i Rules of Appellate Procedure (HRAP), and (3) the record, it appears that we did not overlook or misapprehend any points of law or fact when we entered the January 17, 2012 order dismissing Appeal No. CAAP-11-0000781 for lack of jurisdiction. Therefore,

IT IS HEREBY ORDERED that Appellant Ellis's January 23, 2012 HRAP Rule 40 motion for reconsideration of the January 17, 2012 dismissal order is denied.

DATED: Honolulu, Hawai'i, January 26, 2012.

Chief Judge

Associate Judge

Associate Judge