

NO. CAAP-12-0000625

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

OAHU PUBLICATIONS, INC., dba Honolulu Star-Advertiser,
Plaintiff-Appellee,

v.

NEIL ABERCROMBIE, in his official capacity
as Governor of the State of Hawai'i, et al.,
Defendants-Appellants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 11-1-1871-08)

ORDER DENYING JANUARY 6, 2013 HRAP RULE 40
MOTION FOR RECONSIDERATION OF DECEMBER 27, 2012
ORDER DISMISSING APPEAL FOR LACK OF JURISDICTION
(By: Fujise, Presiding Judge, Reifurth and Ginoza, JJ.)

Upon review of (1) the December 27, 2012 order dismissing appeal for lack of jurisdiction, (2) Defendant-Appellant Neil Abercrombie's (Appellant Abercrombie) January 6, 2013 motion for reconsideration of the December 27, 2012 order dismissing appeal for lack of jurisdiction 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 December 27, 2012 order dismissing appeal for lack of jurisdiction. As the Supreme Court of Hawai'i explained more than eighteen years ago,

[i]f we do not require a judgment that resolves on its face all of the issues in the case, the burden of searching the often voluminous circuit court record to verify assertions of jurisdiction is cast upon this court. Neither the parties nor counsel have a right to cast upon this court the burden of searching a voluminous record for evidence of finality, . . . and we should not make such searches necessary by allowing the parties the option of waiving the requirements of HRCP [Rule] 58.

Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994) (citation omitted; emphasis in original). Therefore,

IT IS HEREBY ORDERED that Appellant Abercrombie's January 6, 2013 HRAP Rule 40 motion for reconsideration of the December 27, 2012 order dismissing appeal for lack of jurisdiction is denied.

DATED: Honolulu, Hawai'i, January 10, 2013.

Presiding Judge

Associate Judge

Associate Judge