

NO. CAAP-13-0000098

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

CNH CAPITAL AMERICA, LLC,
a Delaware Limited Liability Corporation,
Plaintiff/Counterclaim-Defendant/Appellee,
v.
BENNY ENRIQUEZ, JR. and LORI ENRIQUEZ,
Defendants/Counterclaim Plaintiffs/Appellants,
and
John Does 1-20, et al.,
Defendants

BENNY ENRIQUEZ, JR. and LORI ENRIQUEZ,
Defendants/Third-Party Plaintiffs/Appellants
v.
ALLIED MACHINERY CORPORATION,
Third-Party Defendant/Appellee

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 10-1-179)

ORDER DENYING THE JULY 10, 2013
MOTION FOR RECONSIDERATION AND TO REINSTATE APPEAL
(By: Nakamura, C.J., Foley and Ginoza, JJ.)

Upon review of the Motion for Reconsideration and to Reinstatement Appeal, filed July 10, 2013, by Defendants/Third-Party Plaintiffs/Appellants Benny Enriquez, Jr. and Lori Enriquez (Appellants), through counsel Robin R. Horner, the papers in support, and the record, it appears that (1) Appellants seek

reconsideration of the June 28, 2013 order dismissing the appeal pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 30, and to reinstate the appeal; (2) HRAP Rule 40(a) provides a party may file a motion for reconsideration "only within 10 days after the filing of the . . . dispositional order, or ruling unless by special leave additional time is granted during such period by a judge or justice of the appellate court involved"; and (3) Appellants filed the instant motion for reconsideration beyond ten (10) days after the June 28, 2013 order, without leave to file a late motion. Therefore,

IT IS HEREBY ORDERED that the Motion for Reconsideration and to Reinstate Appeal is denied as untimely.

DATED: Honolulu, Hawai'i, July 15, 2013.

Chief Judge

Associate Judge

Associate Judge