

NO. CAAP-12-0001037

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

ANITA GRACE DIAZ, Plaintiff-Appellant, v.  
SANDRA WHANG AND CRAIG WHANG, Defendants-Appellees

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 1RC10-1-6863)

ORDER DENYING PLAINTIFF APPELLANT'S  
MAY 03, 2013 MOTION FOR RECONSIDERATION OF  
ORDER DISMISSING APPEAL FOR LACK OF APPELLATE JURISDICTION  
(By: Nakamura, C.J., Foley and Ginoza, JJ.)

Upon consideration of the "Motion for Reconsideration of Order Dismissing Appeal for Lack of Appellate Jurisdiction, Filed April 26, 2013", by Plaintiff-Appellant Anita Grace Diaz (Appellant), filed on May 3, 2013, Appellant claims that an October 22, 2012 Order imposing sanctions upon her satisfied the three requirements under the collateral order doctrine. She provided no facts or argument to support her claim. The October 22, 2012 Order noted that her failure to appear at a pretrial

conference caused her case to be dismissed. However, the October 22, 2012 Order itself did not dismiss her claims against Defendants-Appellees Sandra Whang and Craig Whang. There is no order or judgment in the record on appeal that dismissed Appellant's case as referenced in the October 22, 2012 Order. In addition, the November 9, 2012 judgment that Appellant claims is a final appealable judgment states that "JUDGMENT is entered in favor of NAKAMOTO & TANAKA and against Plaintiff ANITA GRACE DIAZ." It did not dismiss Appellant's claims against Defendants-Appellees.

Therefore,

IT IS HEREBY ORDERED that the motion for reconsideration is denied.

DATED: Honolulu, Hawai'i, May 7, 2013.

Chief Judge

Associate Judge

Associate Judge