

NO. CAAP-14-0001029

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

ONEWEST BANK, FSB, Plaintiff-Appellee,

v.

WARREN ROBERT WEGESEND SR.; THELLDINE LINMOE WEGESEND,  
Defendants-Appellants,

and

FEDERAL DEPOSIT INSURANCE CORPORATION, as Receiver  
for Washington MUTUAL BANK and MILILANI TOWN ASSOCIATION,  
Defendants-Appellees,

and

JOHN DOES 1-50, JANE DOES 1-50,  
DOE PARTNERSHIPS 1-50, DOE CORPORATIONS 1-50,  
DOE ENTITIES 1-50, and DOE GOVERNMENTAL UNITS 1-50, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 13-1-0909-03)

ORDER DENYING MOTION FOR RECONSIDERATION

(By: Nakamura, C.J., Leonard and Ginoza, JJ.)

Upon consideration of Defendants-Appellants Warren Robert Wegesend, Sr. and Thelldine Linmoe Wegesend's (Appellants) "Rule 40 Motion to Reinstate the Appeal" (Motion) filed on August 25, 2015, which seeks reconsideration of this court's August 13, 2015 Order Granting Motion to Dismiss Appeal, the papers in support and the record and files herein, it appears that:

(1) Rule 40 of the Hawai'i Rules of Appellate Procedure (HRAP) provides that "[a] motion for reconsideration may be filed by a party only within 10 days after the filing of the . . . ruling unless by special leave additional time is granted during

such period by a judge or justice of the appellate court involved." (Emphasis added).

(2) Appellants' Motion is untimely under HRAP Rule 40.

Therefore, IT IS HEREBY ORDERED that said Motion is denied.

DATED: Honolulu, Hawai'i, September 1, 2015.

Chief Judge

Associate Judge

Associate Judge