

NO. CAAP-17-0000585

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

WELLS FARGO BANK, N.A., Plaintiff-Appellee,  
v.  
THEODORICO ERUM, JR., Defendant-Appellant  
and  
CHILD SUPPORT ENFORCEMENT AGENCY-KAUAI BRANCH;  
COUNTY OF KAUAI, KOLOA MARKETPLACE, LLC;  
STATE OF HAWAII-DEPARTMENT OF TAXATION;  
KAUAI CREDIT ADJUSTERS LIMITED, 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 FIFTH CIRCUIT  
(CIVIL NO. 13-1-0288)

ORDER DENYING MARCH 1, 2018 HRAP RULE 40 MOTION TO  
RECONSIDER FEBRUARY 15, 2018 ORDER DISMISSING  
APPEAL FOR LACK OF APPELLATE JURISDICTION  
(By: Reifurth, Presiding Judge, Ginoza and Chan, JJ.)

Upon review of (1) the February 15, 2018 order dismissing appeal for lack of appellate jurisdiction, (2) the March 1, 2018 motion by Defendant-Appellant Theodorico Erum, Jr. (Erum), pro se, requesting reconsideration of the February 15, 2018 order of dismissal pursuant to Rule 40 of the Hawai'i Rules of Appellate Procedure (HRAP), and (3) the record, it appears that Erum's March 1, 2018 HRAP Rule 40 motion for reconsideration is untimely because Erum filed it more than ten days after the

filing of the February 15, 2018 order of dismissal in violation of HRAP Rule 40(a). Furthermore, we did not overlook or misapprehend any point of law or fact when we entered the February 15, 2018 order of dismissal.

Therefore, IT IS HEREBY ORDERED that Erum's March 1, 2018 HRAP Rule 40 motion for reconsideration of the February 15, 2018 order of dismissal is denied.

DATED: Honolulu, Hawai'i, March 7, 2018.

Presiding Judge

Associate Judge

Associate Judge