

NO. CAAP-14-0001138 AND CAAP-16-0000034

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

TITLE GUARANTY ESCROW SERVICES, INC.,  
a Hawaii corporation, Plaintiff-Appellee,

v.

MICHAEL J. SZYMANSKI,  
Defendant-Appellant,

and

WAILEA RESORT COMPANY, LTD., a Hawaii corporation;  
JOHN DOES 1-50; JANE DOES 1-50; DOE PARTNERSHIPS 1-50;  
DOE ENTITIES 1-50; DOE GOVERNMENTAL UNITS 1-50,  
Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT  
(CIVIL NO. 02-1-0352(2))

ORDER RESCINDING THE JUDGMENT ON APPEAL  
AND THE ORDER DENYING MOTION FOR RECONSIDERATION,  
AND ORDER SUSPENDING THE TIME REQUIREMENT OF  
HAWAII RULES OF APPELLATE PROCEDURE RULE 40(d)

(By: Fujise, Presiding Judge, and Leonard and Reifurth, JJ.)

Upon review of the record, it appears that (1) on July 2, 2018, Defendant-Appellant requested leave for additional time to file a motion for reconsideration of the June 29, 2018 Summary Disposition Order and was granted such leave until July 19, 2018; (2) on July 19, 2018, Defendant-Appellant filed the Motion for Reconsideration of 6/29/2018 Summary Disposition Order ("Motion"); (3) on July 27, 2018, the Motion was erroneously denied as being untimely; and (4) the Judgment on Appeal was filed on September 17, 2018.

Therefore, IT IS HEREBY ORDERED that the September 17, 2018 Judgment on Appeal and the July 27, 2018 Order Denying

Motion for Reconsideration are rescinded.

IT IS FURTHER ORDERED that, pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 2, the time requirement of HRAP Rule 40(d) is hereby suspended, and the time in which this court shall dispose of the Motion is extended through October 12, 2018.

DATED: Honolulu, Hawai'i, October 1, 2018.

Presiding Judge

Associate Judge

Associate Judge