

NO. 30297

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

SYLVIA CABRAL,  
Plaintiff/Counterclaim-Defendant/Appellant,

v.

PALISADES POINTE ESTATES, INC., EDWARD LEE BATES, et al.,  
Defendant/Counterclaim Plaintiff/Appellee,

and

GREAT AMERICAN HOTELS AND RESORTS, INC.,  
Intervenor-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT  
(CIVIL NO. 03-1-0212)

ORDER DENYING AUGUST 5, 2010

HRAP RULE 40 MOTION FOR RECONSIDERATION

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

Upon review of (1) the July 27, 2010 order granting Defendant/Counterclaim Plaintiff/Appellee Palisade Pointe Estates, Inc. (Appellee Palisade Pointe Estates), and Defendant-Appellee Edward L. Bates's (Appellee Bates) July 8, 2010 motion to dismiss appellate court case number 30297 for lack of jurisdiction, (2) Plaintiff/Counterclaim-Defendant/Appellant Sylvia Cabral's (Appellant Cabral) August 5, 2010 motion to reconsider the July 27, 2010 order granting Appellee Palisade Pointe Estates and Appellee Bates's July 8, 2010 motion to dismiss appellate court case number 30297 pursuant to Rule 40 of the Hawai'i Rules of Appellate Procedure (HRAP), and (3) the record, it appears that this court did not overlook or misapprehend any points of law or fact when this court entered the July 27, 2010 order granting Appellee Palisade Pointe Estates and Appellee Bates's July 8, 2010 motion to dismiss appellate court case number 30297. Therefore, Appellant Cabral's August 5, 2010 HRAP Rule 40 motion to reconsider the July 27, 2010 order granting Appellee Palisade Pointe Estates and Appellee Bates's

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July 8, 2010 motion to dismiss appellate court case number 30297 lacks merit. Accordingly,

IT IS HEREBY ORDERED that Appellant Cabral's August 5, 2010 HRAP Rule 40 motion to reconsider the July 27, 2010 order granting Appellee Palisade Pointe Estates and Appellee Bates's July 8, 2010 motion to dismiss appellate court case number 30297 is denied without prejudice to Appellant Cabral seeking an appeal in the event a final judgment is entered by the circuit court.

DATED: Honolulu, Hawai'i, August 16, 2010.

On the motion:

Sylvia Cabral  
Plaintiff-Appellee, pro se.

Presiding Judge

Associate Judge

Associate Judge