

NO. CAAP-11-0000037

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

JUANA MARIA KERR, Petitioner-Appellant, v.  
GILBERT SILVA, Respondent-Appellee

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 1SS10-1-00840)

ORDER DENYING JULY 14, 2011 HRAP RULE 40 MOTION  
TO RECONSIDER JUNE 29, 2011 ORDER DISMISSING APPEAL  
(By: Nakamura, Chief Judge, Leonard and Ginoza, JJ.)

Upon review of (1) the June 29, 2011 order dismissing Petitioner-Appellant Juana Kerr's (Appellant) appeal in Appeal No. CAAP-11-0000037, (2) Appellant's July 14, 2011 motion to reconsider the June 29, 2011 order dismissing the appeal, and (3) the record, it appears that Appellant's July 14, 2011 motion for reconsideration is untimely pursuant to Rule 40 of the Hawai'i Rules of Appellate Procedure.

"A motion for reconsideration may be filed by a party only within 10 days after the filing of the opinion,

dispositional order, or ruling unless by special leave additional time is granted during such period by a judge or justice of the appellate court involved." HRAP Rule 40(a). Appellant did not file the July 14, 2011 motion for reconsideration within ten days after the filing of the June 29, 2011 order dismissing the appeal, as HRAP Rule 40(a) requires. Therefore, Appellant's July 14, 2011 motion for reconsideration is untimely under HRAP Rule 40(a).

Accordingly, Appellant's July 14, 2011 motion for reconsideration of the June 29, 2011 order dismissing the appeal is denied.

DATED: Honolulu, Hawai'i, July 22, 2011.

Chief Judge

Associate Judge

Associate Judge