

NO. CAAP-11-0000165

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

BETSY AKIKO MORIOKA,  
Plaintiff-Appellee,  
v.  
KIMBERLY ANN EIKO LEE and DANIEL MORRIS LEE,  
Defendants/Cross-Claim Plaintiffs/Appellants,  
and  
HAWAI'I STATE FEDERAL CREDIT UNION; CITY AND COUNTY OF HONOLULU;  
DEPARTMENT OF BUDGET AND FISCAL SERVICES,  
Defendants/Cross-Claim Defendants/Appellees,  
and  
DOE ENTITIES, Defendants  
(CIVIL NO. 08-1-0996-05 (RAT))

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KIMBERLY LEE and DANIEL MORRIS LEE, Plaintiffs-Appellants,  
v.  
BETSY AKIKO MORIOKA, Defendant-Appellee,  
and  
JOHN DOES 1-10; JANE DOES 1-10, et al., Defendants  
(CIVIL NO. 08-1-1280-06 (RAT))

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT

ORDER DENYING OCTOBER 19, 2011 HRAP RULE 40 MOTION FOR  
RECONSIDERATION OF OCTOBER 10, 2011 ORDER DISMISSING APPEAL FOR  
LACK OF JURISDICTION, OR, IN THE ALTERNATIVE, FOR DEPUBLICATION  
(By: Nakamura, Chief Judge, Foley and Reifurth, JJ.)

Upon review of (1) the October 10, 2011 order  
dismissing appeal for lack of jurisdiction, (2) Defendants/Cross-  
Claim Plaintiffs/Plaintiffs/Appellants Kimberly Ann Eiko Lee and

Daniel Morris Lee's (the Lee Appellants) motion for reconsideration of the October 10, 2011 dismissal order pursuant to Rule 40 of the Hawai'i Rules of Appellate Procedure (HRAP), or, in the alternative, for depublication, and (3) the record, it appears that we did not overlook or misapprehend any points of law or fact when we entered the October 10, 2011 dismissal order. Therefore, the Lee Appellants' October 19, 2011 HRAP Rule 40 motion for reconsideration of the October 10, 2011 dismissal order lacks merit. Furthermore, the October 10, 2011 dismissal order is not a published opinion, and, thus, the Lee Appellants' alternative request for depublication lacks merit. Accordingly,

IT IS HEREBY ORDERED that the Lee Appellants' October 19, 2011 HRAP Rule 40 motion for reconsideration of the October 10, 2011 dismissal order, or, in the alternative, for depublication, is denied.

DATED: Honolulu, Hawai'i, October 21, 2011.

Chief Judge

Associate Judge

Associate Judge