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Intermediate Court of Appeals  
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NO. CAAP-13-0000098

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

CNH CAPITAL AMERICA, LLC,  
a Delaware Limited Liability Corporation,  
Plaintiff/Counterclaim-Defendant/Appellee,  
v.

BENNY ENRIQUEZ, JR. and LORI ENRIQUEZ,  
Defendants/Counterclaim Plaintiffs/Appellants,  
and  
John Does 1-20, et al.,  
Defendants

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BENNY ENRIQUEZ, JR. and LORI ENRIQUEZ,  
Defendants/Third-Party Plaintiffs/Appellants  
v.

ALLIED MACHINERY CORPORATION,  
Third-Party Defendant/Appellee

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT  
(CIVIL NO. 10-1-179)

ORDER DENYING THE JULY 10, 2013  
MOTION FOR RECONSIDERATION AND TO REINSTATE APPEAL  
(By: Nakamura, C.J., Foley and Ginoza, JJ.)

Upon review of the Motion for Reconsideration and to Reinstatement Appeal, filed July 10, 2013, by Defendants/Third-Party Plaintiffs/Appellants Benny Enriquez, Jr. and Lori Enriquez (Appellants), through counsel Robin R. Horner, the papers in support, and the record, it appears that (1) Appellants seek

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reconsideration of the June 28, 2013 order dismissing the appeal pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 30, and to reinstate the appeal; (2) HRAP Rule 40(a) provides a party may file a motion for reconsideration "only within 10 days after the filing of the . . . 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"; and (3) Appellants filed the instant motion for reconsideration beyond ten (10) days after the June 28, 2013 order, without leave to file a late motion. Therefore,

IT IS HEREBY ORDERED that the Motion for Reconsideration and to Reinstate Appeal is denied as untimely.

DATED: Honolulu, Hawai'i, July 15, 2013.



Chief Judge



Associate Judge



Associate Judge