

NO. 29798

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

JEAN R. KIKUMOTO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2010 APR -5 AM 9:48

FILED

PASCAL C. BOLOMET and ROUTH T. BOLOMET,
Plaintiffs-Appellants,

v.

RLI INSURANCE COMPANY, JAMES G. McLEAN, and ANNE L. McLEAN,
Defendants-Appellees,

and

JOHN AND JANE DOES 1-50; DOE ENTITIES 1-50,
Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(Civil No. 05-1-2222-12 (BIA))

ORDER DENYING MARCH 24, 2010 HRAP RULE 40
MOTION TO RECONSIDER MARCH 15, 2010 ORDER
DISMISSING APPEAL FOR LACK OF APPELLATE JURISDICTION
(By: Nakamura, Chief Judge, Foley, and Fujise, JJ.)

Upon review of (1) the August 26, 2009 order dismissing appellate court case number 29798 for lack of jurisdiction, (2) a September 3, 2009 motion by Plaintiffs-Appellants Pascal C. Bolomet and Routh T. Bolomet (the Bolomet Appellants) for reconsideration of the August 26, 2009 order dismissing appellate court case number 29798 pursuant to Rule 40 of the Hawai'i Rules of Appellate Procedure (HRAP), (3) the September 11, 2009 order granting the Bolomet Appellants' September 3, 2009 HRAP Rule 40 motion for reconsideration of the August 26, 2009 order dismissing appellate court case number 29798, and remanding this case to the circuit court with instructions to hold a hearing on issues relating to the timeliness of the Bolomet Appellants' notice of appeal, (4) the Honorable Derrick H. M. Chan's December 29, 2009 findings of fact, conclusions of law, decision and order on the issues relating to the timeliness of the Bolomet Appellants' appeal, (5) the March 15, 2010 order dismissing appellate court case number 29798 for lack of jurisdiction,

(6) the Bolomet Appellants' March 24, 2010 HRAP Rule 40 motion to reconsider the March 15, 2010 order dismissing appellate court case number 29798 for lack of jurisdiction, and (7) the record, it appears that we did not overlook or misapprehend any points of law or fact when we entered the March 15, 2010 order dismissing appellate court case number 29798 for lack of jurisdiction. Therefore,

IT IS HEREBY ORDERED that the Bolomet Appellants' March 24, 2010 HRAP Rule 40 motion to reconsider the March 15, 2010 order dismissing appellate court case number 29798 for lack of jurisdiction is denied.

DATED: Honolulu, Hawai'i, April 5, 2010.

On the motion:

Pascal & Routh Bolomet
Plaintiffs-Appellants
Pro Se


Chief Judge


Associate Judge


Associate Judge