

**Electronically Filed
Intermediate Court of Appeals
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NO. 30708

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

SHAWN FERNANDEZ and SUZETTE FERNANDEZ,
Plaintiffs/Counterclaim-Defendants/Appellees,
v.
AMBROSE S. FERNANDEZ, JR.,
Defendant/Counterclaim-Plaintiff/Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1RC09-1-0274)

ORDER DENYING MARCH 10, 2011 MOTION FOR
RECONSIDERATION OF FEBRUARY 28, 2011 ORDER OF DISMISSAL
(By: Nakamura, Chief Judge, Leonard and Ginoza, JJ.)

Upon review of (1) the February 28, 2011 order granting Plaintiffs/Counterclaim-Defendants/Appellees Shawn Fernandez and Suzette Fernandez's (the Appellees) February 11, 2011 motion to dismiss Defendant/Counterclaim-Plaintiff/Appellant Ambrose Fernandez's (Appellant Ambrose Fernandez) appeal in appellate court case number 30708 (the February 28, 2011 order of dismissal), (2) Appellant Ambrose Fernandez's March 10, 2011 motion to reconsider the February 28, 2011 order of dismissal, which we deem filed pursuant to Rule 40 of the Hawai'i Rules of

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

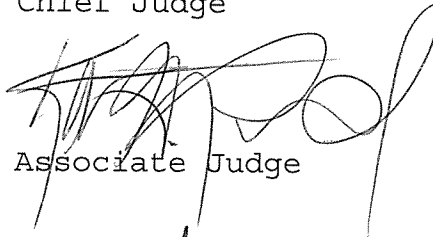
Appellate Procedure (HRAP), and (3) the record, it appears that we did not overlook or misapprehend any points of law or fact when we entered the February 28, 2011 order of dismissal.

Therefore, IT IS HEREBY ORDERED that we deny Appellant Ambrose Fernandez's March 10, 2011 HRAP Rule 40 motion for reconsideration.

DATED: Honolulu, Hawai'i, March 15, 2011.



Chief Judge



Associate Judge



Associate Judge