

NO. CAAP-14-0000939

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

MICHAEL YAMAUCHI and MYONG YAMAUCHI, Plaintiffs-Appellees, v.
WILLIAM MIDDLETON and TATIANA MIDDLETON, Defendants-Appellants

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(CASE NO. 1RC13-1-007792)

ORDER DENYING OCTOBER 20, 2014 HRAP RULE 40
MOTION FOR RECONSIDERATION OF OCTOBER 10, 2014 ORDER
DISMISSING APPEAL FOR LACK OF APPELLATE JURISDICTION
(By: Nakamura, Chief Judge, Foley and Fujise, JJ.)

Upon review of (1) the October 10, 2014 order dismissing appeal for lack of appellate jurisdiction, (2) Defendants-Appellants William Middleton and Tatiana Middleton's (the Appellants) October 20, 2014 motion for reconsideration of the October 10, 2014 dismissal order pursuant to Rule 40 of the Hawaii Rules of Appellate Procedure (HRAP), and (3) the October 29, 2014 "Order Suspending Time Requirement of HRAP Rule 40(d) and Requiring the Clerk of the Circuit Court

of the First Circuit, State of Hawai'i, to Provide Documents and Information Regarding the Notice of Appeal in Civil No. 14-1-1376-06 RAN," (4) the November 6, 2014 "Certified Copies of Documents and Declaration of N. Miyata, Pursuant to the ICA's Order Suspending Time Requirement of HRAP Rule 40(d) and Requiring the Clerk of the Circuit Court of the First Circuit, State of Hawai'i, to Provide Documents and Information Regarding the Notice of Appeal in Civil No. 14-1-1376-06 RAN, Filed October 29, 2014," and (5) record, it appears that we did not overlook or misapprehend any points of law or fact when we entered the October 10, 2014 dismissal order in appellate court case number CAAP-14-0000939. Therefore,

IT IS HEREBY ORDERED that the Appellants' October 20, 2014 HRAP Rule 40 motion for reconsideration of the October 10, 2014 dismissal order is denied.

DATED: Honolulu, Hawai'i, November 7, 2014.

Chief Judge

Associate Judge

Associate Judge