

NO. CAAP-15-0000946

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

ASSOCIATION OF APARTMENT OWNERS OF POKAI BAY BEACH CABANAS,
by its Board of Directors, Plaintiff-Appellee,

v.

AUGUST EUGENE ACANTILADO, MIREILLE HENRIETTE ACANTILADO,
AMERICAN SAVINGS BANK, F.S.B., a federal savings bank,
Defendants-Appellees,

and

JOHN DOES 1-5; JANE DOES 1-5;

DOE PARTNERSHIPS 1-5; DOE CORPORATIONS 1-5;

DOE ENTITIES 1-5, and DOE GOVERNMENTAL UNITS 1-5, Defendants,
and

BOBBY RAY NARMORE, Person-in-Interest-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 10-1-1490)

ORDER DENYING JUNE 8, 2016 HRAP RULE 40

MOTION FOR RECONSIDERATION OF MAY 26, 2016

ORDER DISMISSING APPEAL FOR LACK OF STANDING

(By: Fujise, Presiding Judge, Leonard and Ginoza, JJ.)

Upon review of (1) the May 26, 2016 order dismissing appeal for lack of standing, (2) Non-Party/Appellant Bobby Ray Narmore's (Appellant Narmore) June 8, 2016 motion for reconsideration of the May 26, 2016 dismissal order pursuant to Rule 40 of the Hawai'i Rules of Appellate Procedure (HRAP), and (3) the record, it appears that Appellant Narmore did not file his June 8, 2016 HRAP Rule 40 motion for reconsideration within

ten days after the filing of the May 26, 2016 dismissal order, as HRAP Rule 40(a) expressly requires, and, thus, Appellant Narmore's June 8, 2016 HRAP Rule 40 motion for reconsideration is untimely under HRAP Rule 40(a). Furthermore, it appears that we did not overlook or misapprehend any points of law or fact when we entered the May 26, 2016 dismissal order.

Therefore, IT IS HEREBY ORDERED that Appellant Narmore's June 8, 2016 HRAP Rule 40 motion for reconsideration of the May 26, 2016 dismissal order is denied.

DATED: Honolulu, Hawai'i, June 13, 2016.

Presiding Judge

Associate Judge

Associate Judge