

NO. CAAP-17-0000666

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

KAWIKA FRANCO, Individually and as Personal Representative  
for the Estate of TIARE FRANCO; PEACHES KONG AND APPLES ELABAN,  
as Next Friends of LOVELY FRANCO (Minor); TAUUA GLEASON,  
as Next Friend of KOLOMANA KONG KANIAUPIO GLEASON AND  
KAULANA KONG KANIAUPIO GLEASON (Minors); and CHERYL RUSSELL,  
as Next Friend of JEANNE RUSSELL (Minor),  
Plaintiffs-Appellants,

v.

SABIO REINHARDT,  
Defendant/Cross-Claim Plaintiff/Appellee,  
and

JOSIAH OKUDARA,  
Defendant/Cross-Claim Defendant/Appellee,  
and

JOHN DOES 2-10; JANE DOES 1-10; DOE CORPORATIONS 1-10;  
DOE PARTNERSHIPS 1-10; DOE "NON-PROFIT" CORPORATIONS 1-10;  
and DOE GOVERNMENTAL ENTITIES 1-10, Defendants.

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT  
(CIVIL NO. 12-1-0458(1))

ORDER DENYING DECEMBER 28, 2017  
HRAP RULE 40 MOTION FOR RECONSIDERATION OF  
DECEMBER 18, 2017 ORDER  
GRANTING SEPTEMBER 20, 2017 MOTION TO DISMISS  
APPEAL FOR LACK OF APPELLATE JURISDICTION AND  
DISMISSING AS MOOT ALL OTHER PENDING MOTIONS  
IN APPELLATE COURT CASE NUMBER CAAP-17-0000666  
(By: Nakamura, Chief Judge, Fujise and Chan, JJ.)

Upon review of (1) the December 18, 2017 order granting  
Defendant/Cross-Claim Plaintiff/Appellee Sabio Reinhardt's  
September 20, 2017 motion to dismiss appellate court case number

CAAP-17-0000666 for lack of appellate jurisdiction and dismissing as moot all other pending motions in appellate court case number CAAP-17-0000666 ("the December 18, 2017 order of dismissal"), (2) Plaintiffs-Appellants Kawika Franco, Estate of Tiare Franco, Peaches Kong, Apples Eleban, Lovely Franco, Taua Gleason, Kolomana Kong Kaniaupio Gleason, Kaulana Kong Kaniaupio Gleason, Cheryl Russell, and Jeanne Russell's ("the Appellants") December 28, 2017 motion for reconsideration of the December 18, 2017 order of dismissal pursuant to Rule 40 of the Hawai'i Rules of Civil Procedure ("HRAP"), and (3) the record, it appears that we did not overlook or misapprehend any point of law or fact when we entered the December 18, 2017 order of dismissal.

Therefore, IT IS HEREBY ORDERED that the Appellants' December 28, 2017 HRAP Rule 40 motion for reconsideration of the December 18, 2017 order of dismissal is denied.

DATED: Honolulu, Hawai'i, January 8, 2018.

Chief Judge

Associate Judge

Associate Judge