

NO. CAAP-19-0000348

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

KA'U SUNSHINE LLC, Plaintiff-Appellee, v. Unknown heirs  
or assigns of KANAKALAUAI (w), also known as  
HANAKALAUAI (w); KEKAPA (k); SAMUELA (k); KAAMAI  
(w); PILIPO KAPALAMA (k), also known as KAPALAMA  
PILIPO (k); KAPALAMA (k), also known as PALAMA  
(k); KANEAMAHI (w), also known as KANIAMAHI (w)  
and KANEAMAHI FREDENBURG (w); ANNIE APIKI, also  
known as ANNA APIKI; BENEDICT K. APIKI, also known  
as BENEDICT KEOLANI APIKI; MRS. THOMAS ROBINS,  
also known as LUPUA FREDENBURG, VICTORIA ROBINS  
and VICTORIA L. FREDENBURG ROBINS; KANOE (w);  
ENAENA (k); KEO (k); KEOLA; and ALL WHOM IT MAY  
CONCERN, Defendants-Appellees, and ANDERSON X.  
LINDSEY, Real Party In Interest-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT  
(CIVIL NO. 17-1-0256)

ORDER DENYING JULY 8, 2019 HRAP RULE 40 MOTION FOR  
RECONSIDERATION OF JUNE 28, 2019 ORDER DISMISSING  
APPEAL FOR LACK OF APPELLATE JURISDICTION  
(By: Reifurth, Presiding Judge, Chan and Hiraoka, JJ.)

Upon review of (1) the June 28, 2019 order dismissing  
appeal for lack of appellate jurisdiction, (2) Defendant-  
Appellant Anderson Lindsey's (Lindsey) July 8, 2019 motion for  
reconsideration of the June 28, 2019 order dismissing appeal for  
lack of appellate jurisdiction pursuant to Rule 40 of the Hawaii  
Rules of 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 June 28, 2019 order dismissing appeal for lack of appellate jurisdiction.

Therefore, IT IS HEREBY ORDERED that Lindsey's July 8, 2019 HRAP Rule 40 motion for reconsideration of the June 28, 2019 order dismissing appeal for lack of appellate jurisdiction is denied.

DATED: Honolulu, Hawai'i, July 11, 2019.

Presiding Judge

Associate Judge

Associate Judge