

NO. CAAP-19-0000876

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

HONOLULU STUDENT HOUSING ONE, LLC., Plaintiff-Appellee, v.
MERCEDEZ GONZALEZ, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
HONOLULU DIVISION
(CIVIL NO. 1DRC-19-1398)

ORDER (1) DENYING MOTION FOR RECONSIDERATION OR NEW TRIAL
AND (2) DISMISSING MOTION TO SET ASIDE DEFAULT
(By: Ginoza, Chief Judge, Leonard and Wadsworth, JJ.)

Upon review of the record, it appears that:

(1) On May 28, 2020, the court dismissed the appeal for failure to file the opening brief;

(2) On June 5, 2020, self-represented Defendant-Appellant Mercedes Gonzalez (Gonzalez) filed a Motion for Reconsideration or New Trial (Motion for Reconsideration) and a Motion to Set Aside Default (collectively, the Motions);

(3) The Motions state the issue on appeal but do not state why Gonzalez failed to timely file the opening brief or request an extension of time, or why she failed to timely respond to the April 24, 2020 default notice;

(4) On June 12, 2020, in deference to Gonzalez's self-represented status, and to promote equal access to justice, the court granted Gonzalez the opportunity to explain the reasons for her default. The court extended to July 13, 2020, the deadline

to decide the Motion for Reconsideration, and issued an order to show cause to Gonzalez to indicate, within fifteen days from the date of the order, why she failed to timely file the opening brief or request an extension of time, and why she failed to timely respond to the April 24, 2020 default notice. The court cautioned Gonzalez that failure to timely respond to the order or to show good cause may result in the Motions being denied;

(5) Gonzalez failed to file a response to the June 12, 2020 order to show cause; and

(6) The court did not overlook or misapprehend any point of law or fact when it entered the May 28, 2020 order dismissing appeal. See Hawai'i Rules of Appellate Procedure Rule 40(b).

Therefore, IT IS HEREBY ORDERED that the Motion for Reconsideration or New Trial is denied.

IT IS FURTHER ORDERED that the Motion to Set Aside Default is dismissed.

DATED: Honolulu, Hawai'i, July 10, 2020.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Katherine G. Leonard
Associate Judge

/s/ Clyde J. Wadsworth
Associate Judge