

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-20-0000541

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF8 MASTER PARTICIPATION TRUST, Plaintiff-Appellee, v. MARSHALL CHINEN, ESQ., SPECIAL ADMINISTRATOR OF THE ESTATE OF PEARL K. KAHOOKAULANA; STATE OF HAWAI'I - DEPARTMENT OF HUMAN SERVICES, Defendants-Appellees, and DEANNA KAHOOKAULANA, Real Party In Interest-Appellant, and JOHN and MARY DOES 1-20; DOE PARTNERSHIPS, CORPORATIONS OR OTHER ENTITIES 1-20, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 3CC161000180)

ORDER DENYING MOTION FOR RECONSIDERATION

(By: Ginoza, Chief Judge, Leonard and Hiraoka, JJ.)

Upon consideration of self-represented Real Party In Interest-Appellant Deanna Kahookaulana's (**Kahookaulana**) March 12, 2021 Motion, which the court construes as a motion to reconsider the court's November 20, 2020 Order Granting Motion to Dismiss Appeal (**Motion to Reconsider**), the papers in support,¹ and the record, it appears that (1) the Motion to Reconsider is untimely, see HRAP Rule 40(a); (2) due to confusion over Kahookaulana's mailing address in the record on appeal, the appellate clerk mailed the Order Granting Motion to Dismiss Appeal to Kahookaulana at an incorrect Keaau address and, as a consequence, Kahookaulana did not receive timely notice of the order; (3) the Certificate of Service attached to the Motion to Dismiss

¹ On March 19, 2021, Plaintiff-Appellee U.S. Bank Trust, N.A. (**U.S. Bank**) filed an opposition to the Motion to Reconsider, which the court disregarded as unauthorized. See Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 40(c).

[Kahookaulana's] Notice of Appeal Filed September 1, 2020 indicates U.S. Bank mailed the motion to Kahookaulana at her correct Pahoia address; and (4) Kahookaulana did not respond to the Motion to Dismiss and has not presented any point of law or fact that the court overlooked or misapprehended when it issued the November 20, 2020 Order Granting Motion to Dismiss Appeal.

Therefore, IT IS HEREBY ORDERED that the court exercises its authority under HRAP Rule 2 to extend the deadline to file the Motion to Reconsider, and accepts the motion as filed on March 12, 2021.

IT IS FURTHER ORDERED that the Motion to Reconsider is denied.

IT IS FURTHER ORDERED that the appellate clerk shall note that P.O. Box 736, Pahoia, HI 96778 is Kahookaulana's mailing address.

DATED: Honolulu, Hawai'i, March 24, 2021.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Katherine G. Leonard
Associate Judge

/s/ Keith K. Hiraoka
Associate Judge