

NO. CAAP-21-0000708

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee, v.
JULIA COMPTON, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
NORTH AND SOUTH KONA DIVISION
(CASE NO. 3DTC-21-056161)

ORDER GRANTING MOTION FOR RECONSIDERATION

(By: Leonard, Presiding Judge, Nakasone and McCullen, JJ.)

Upon consideration of self-represented Defendant-Appellant Julia Compton's (Compton) Motion for Reconsideration, filed September 17, 2023, it appears that Compton seeks reconsideration of the court's September 7, 2023 Order Dismissing Appeal, because she was not aware of the court's June 21, 2023 order requiring her to file a First Amended Opening Brief until July 14, 2023, when she went online to check the filings in the Judiciary Electronic Filing System (JEFS). Compton states that she does not have internet at home, and requests that she have until October 31, 2023, to file a first amended opening brief. Hawai'i Electronic Filing and Service Rules Rule 6.3 states, "The Notice of Electronic Filing automatically generated by JEFS is sufficient to show service on all JEFS Users and parties who have consented to receive service by electronic means." As a registered JEFS user, Compton is reminded that the burden is on her to make arrangements to regularly check her email for notices of electronic filings in her appeal. In deference to Compton's

self-represented status, see Waltrip v. TS Enterprises, Inc., 140 Hawai'i 226, 239, 398 P.3d 815, 828 (2016) (requiring courts to construe pro se filings in a reasonable manner that enables them to promote access to justice), and because Hawaii's appellate courts have "consistently adhered to the policy of affording litigants the opportunity to have their cases heard on the merits, where possible," Schefke v. Reliable Collection Agency, Ltd., 96 Hawai'i 408, 420, 32 P.3d 52, 64 (2001) (citation and quotation marks omitted), the court will grant the Motion for Reconsideration.

Therefore, IT IS HEREBY ORDERED that the Motion for Reconsideration is granted as follows:

1. The September 7, 2023 Order Dismissing Appeal is vacated and the appeal is reinstated.

2. The deadline to file the first amended opening brief is extended to October 20, 2023.

3. Any further default of the first amended opening brief may result in sanctions authorized by Hawai'i Rules of Appellate Procedure Rule 30, including dismissal of this appeal.

DATED: Honolulu, Hawai'i, September 20, 2023.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Karen T. Nakasone
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge