

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-23-0000106

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

HOWARD HOFELICH, Plaintiff-Appellant, v.
STATE OF HAWAII, DCCA and DLNR; DENNIS KRUEGER, ESQ.;
ASHFORD & WRISTON LAW CORPORATION; DAVID KAAPU, ESQ.;
STEPHEN D. WHITTAKER, ESQ.; CARL VINCENTI;
JUNG & VASSAR LAW CORPORATION; RONALD IBARRA;
UNITED STATES COAST GUARD VESSEL DOCUMENTATION CENTER (USCGVDC);
DAVID LAWTON, ESQ., Defendants-Appellees, and
DOE CORPORATIONS 1-10; JOHN DOES 1-10; JANE DOES 1-10;
GOVERNMENTAL ENTITIES 1-10; DOE PARTNERSHIPS 1-10;
DOE LLC CORPORATIONS 1-10, Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 3CCV-21-0000297)

ORDER GRANTING IN PART AND DENYING IN PART
MOTION FOR RECONSIDERATION

(By: Leonard, Acting Chief Judge, Wadsworth and Nakasone, JJ.)

Upon consideration of self-represented Defendant-Appellee Stephen D. Whittaker's (**Whittaker**) February 14, 2024 Motion for Reconsideration of Notice of Default of Answering Brief (ND4) Filed February 14, 2024 (**Motion**), which the court construes as a motion for reconsideration of the February 14, 2024 Order, the papers in support, and the record, it appears that Whittaker seeks reconsideration of the portion of the February 14, 2024 Order wherein the court found Whittaker in default of the answering brief and ordered the appellate clerk to enter default of Whittaker's answering brief.

Alternatively, Whittaker seeks to join the answering briefs filed by Defendant-Appellee Jung & Vassar, P.C., Defendant-Appellee State of Hawai'i and Defendant-Appellee

Ashford & Wriston Law Corporation. Whittaker fails to demonstrate that the court overlooked or misapprehended any point of law or fact. Hawai'i Rules of Appellate Procedure Rule 40(b).

Therefore, IT IS HEREBY ORDERED that the Motion is granted in part and denied in part as follows:

1. We construe the Motion as seeking relief from default for failure to file an answering brief.

2. Whittaker's request to join the answering briefs of Defendant-Appellee Jung & Vassar, P.C., Defendant-Appellee State of Hawai'i and Defendant-Appellee Ashford & Wriston Law Corporation is therefore granted and the Joinder filed on February 14, 2024 is accepted.

3. All other requested relief is denied.

DATED: Honolulu, Hawai'i, February 23, 2024.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Karen T. Nakasone
Associate Judge