

**Electronically Filed
Intermediate Court of Appeals
CAAP-24-0000284
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NO. CAAP-24-0000284

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

THOMAS FRANK SCHMIDT, Plaintiff/Counterclaim Defendant-Appellant,
v. JERE GEARHEART and DALE GEARHEART,
Defendants/Counterclaimants/Third-Party Plaintiffs-Appellees, and
BRIGIDA A. SCHMIDT, Third-Party Defendant-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1CCV-19-0002015)

ORDER GRANTING MOTION FOR RECONSIDERATION

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

Upon consideration of the Motion for Extension of Time, filed August 5, 2024, by self-represented Plaintiff/Counterclaim Defendant-Appellant Thomas Frank Schmidt (Appellant), which the court construes as a motion for reconsideration of the Order Dismissing Appeal, filed July 25, 2024, and for relief from default and a first extension of time for the statement of jurisdiction and opening brief (Motion), the papers in support and in opposition, and the record,

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

1. The appeal is reinstated, under Hawai'i Rules of Appellate Procedure (HRAP) Rule 26(b) and (e). The deadline to file the statement of jurisdiction and opening brief is extended to October 4, 2024. Any further default of the statement of jurisdiction or opening brief may result in sanctions authorized by HRAP Rule 12.1(e) and 30, including, without limitation, monetary sanctions, the appeal being dismissed, or both.

2. All other requested relief is denied.

IT IS FURTHER ORDERED that the request for judicial notice, contained within the Memorandum of [Third-Party Defendant-Appellee] Brigida A. Schmidt in Opposition to Vexatious Litigant Thomas Frank Schmidt's Motion for Extension of Time filed Aug. 5, 2024 (DKT. 22), filed August 6, 2024, is denied.

IT IS FURTHER ORDERED that the Motion to Dismiss Appeal of Vexatious Litigant Thomas Frank Schmidt filed April 8, 2024, filed May 13, 2024, by Brigida A. Schmidt, is denied.

DATED: Honolulu, Hawai'i, August 9, 2024.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge