

DISSENTING OPINION BY ACOBA, J.

I disagree with dismissal.

Enos v. Pacific Transfer & Warehouse, Inc., 80 Hawai'i 345, 351, 910 P.2d 116, 122 (1996), on which the majority relies, involved a prior rule, Hawai'i Rules of Appellate Procedure (HRAP) Rule 4(a)(5). I would apply the term "good cause" as used in the present rule, HRAP Rule 4(a)(4)(A), in light of the plain and ordinary meaning of the term, that is, "'a substantial reason amounting in law to a legal excuse for failing to perform an act required by law[,]" Miller v. Tanaka, 80 Hawai'i 358, 363, 910 P.2d 129, 135 (App. 1995) (quoting *Black's Law Dictionary* 692 (6th ed. 1990)), and give due deference to the discretion exercised by the trial court in granting an extension of time to file an appeal. Doing so, I would not dismiss the appeal. Moreover, we should give "parties an opportunity to litigate claims or defenses on the merits." Shasteen, Inc. v. Hilton Hawaiian Villiage Joint Venture, 79 Hawai'i 103, 107, 899 P.2d 386, 390 (1995).