

DISSENTING OPINION BY ACOBA, J.

I disagree with dismissal.

In this case the court set forth its dispositive order denying the December 3, 2003 motion for reconsideration in a March 1, 2004 minute order. This was the 89th day following the filing of the motion. The written order embodying the minute order disposition was filed on March 18, 2004. The circuit court granted HCDCH an extension of time to appeal to cover the arguable question of whether appeal was permissible from the entry of the written order. Under the circumstances, 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. Our preference should be to give "parties an opportunity to litigate claims or defenses on the merits." Shasteen, Inc. v. Hilton Hawaiian Village Joint Venture, 79 Hawai'i 103, 107, 899 P.2d 386, 390 (1995).