

NOT FOR PUBLICATION

NO. 25274

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

WILLIAM J. COOKE, Plaintiff-Appellee, v.
THOMAS A. MARZEC, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
HONOLULU DIVISION
(Civil No. 1RC01-6954)

ORDER DISMISSING "DEFENDANT-APPELLANT THOMAS A. MARZEC'S
MOTION [FOR] RECONSIDERATION"
(By: Burns, C.J., Lim and Foley, JJ.)

On April 27, 2004, this court filed its Memorandum
Opinion.

Defendant-Appellant Thomas A. Marzec (Marzec) timely
filed a motion for extension of time to file motion for
reconsideration.

On May 6, 2004, this court filed its "ORDER GRANTING
MOTION FOR EXTENSION OF TIME [TO] FILE MOTION FOR
RECONSIDERATION" extending Marzec's time to file a motion for
reconsideration "from May 7, 2004 to June 1, 2004."

On June 2, 2004, Marzec filed "DEFENDANT-APPELLANT
THOMAS A. MARZEC'S MOTION [FOR] RECONSIDERATION". Although this
document and various included documents signed by Marzec all are
dated "June 1, 2004", the entire package was filed on June 2,
2004. In other words, it was untimely filed and, for that

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reason, cannot be considered by this court and must be and hereby is dismissed.

DATED: Honolulu, Hawai'i, June 15, 2004.

On the motion:

Thomas Adam Marzec
Defendant-Appellant.

Chief Judge

Associate Judge

Associate Judge