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EMERIMANDO  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

NO. 28173

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

GERARD R. LALES, Plaintiff-Appellant,  
v.  
WHOLESALE MOTORS COMPANY dba JN AUTOMOTIVE GROUP,  
JOHNNY MARTINEZ and GARY MARXEN, SR.,  
Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 03-1-2415)

ORDER DENYING PLAINTIFF-APPELLANT GERALD R. LALES'S  
DECEMBER 28, 2006 MOTION FOR RECONSIDERATION  
OF THE DECEMBER 20, 2006 DISMISSAL ORDER  
(By: Burns, C.J., Lim and Foley, JJ.)

Upon review of (1) the December 20, 2006 order  
dismissing appellate court case number 28173, (2) Plaintiff-  
Appellant Gerald R. Lales's (Appellant Lales) December 28, 2006  
motion for reconsideration of the December 20, 2006 dismissal  
order pursuant to Rule 40 of the Hawai'i Rules of Appellate  
Procedure (HRAP), and (3) the record,

IT IS HEREBY ORDERED that Appellant Lales's  
December 28, 2006 HRAP Rule 40 motion for reconsideration is  
denied.

DATED: Honolulu, Hawai'i, January 3, 2007.

*James S. Burns*  
Chief Judge  
*[Signature]*  
Associate Judge  
*Daniel R. Foley*  
Associate Judge