

NO. 28748

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

JEFF JOHN SILVA, Plaintiff-Appellee,

v.

GERALDINE LEIMOMI OLSZOWKA-MARTINEZ, Defendant-Appellant,
and
PUHALAHUA (k), et al., Defendants- Appellees.

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 06-1-0334 (HILO))

ORDER DENYING MOTION FOR RECONSIDERATION

(By: Watanabe, Presiding Judge, Foley and Nakamura, JJ)

Upon consideration of the motion filed by Appellant Geraldine Leimomi Olszowka-Martinez (Appellant) seeking reconsideration of this court's January 25, 2008 order dismissing her appeal, the papers in support, and the records and files herein, it appears that: (1) the final judgment from which Appellant appeal was entered on August 15, 2007; (2) Hawai'i Rules of Appellate Procedure (HRAP) Rule 4(a)(1), provides that "[w]hen a civil appeal is permitted by law, the notice of appeal shall be filed within 30 days after entry of the judgment or appealable order"; (3) thirty days after August 15, 2007 was Friday, September 14, 2007; (4) Appellant did not file her notice of appeal until September 17, 2007, and accordingly, her appeal was untimely and we lack jurisdiction to hear her appeal; (5) pursuant to HRAP Rule 26(b), this court is not authorized to extend the time prescribed by the rules for doing any act which would change the jurisdictional requirements contained in

K. HAMAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAII

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HRAP Rule 4; (6) the order of dismissal was correct; and Appellant fails to demonstrate that the court misapprehended or overlooked any point of law or fact. Therefore,

IT IS HEREBY ORDERED that the motion for reconsideration is denied.

DATED: Honolulu, Hawai'i, February 14, 2008.

Courne KA. Watanabe

Presiding Judge

Daniel R. Foley

Associate Judge

Clyde H. Mokuauia

Associate Judge