

NO. 29143

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

KEITH MURAUSKAS, Plaintiff-Appellant, v.  
ELLEN GUSMAN, Defendant-Appellee.

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 1RC06-1-5037)

NORMA T. YARRA  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

2008 NOV 21 PM 2:47

FILED

ORDER DISMISSING THE NOVEMBER 17, 2008  
MOTION TO GRANT ADDITIONAL TIME TO FILE  
AN HRAP RULE 40 MOTION FOR RECONSIDERATION  
(By: Foley, Presiding Judge, Fujise and Leonard, JJ.)

Upon review of (1) the October 30, 2008 order dismissing the appeal for lack of jurisdiction in appellate court case number 29169, (2) Plaintiff-Appellant Keith Murauskas's (Appellant Murauskas) November 17, 2008 motion to grant additional time to file a motion for reconsideration pursuant to Rule 40 of the Hawai'i Rules of Appellate Procedure (HRAP) in the instant case, appellate court case number 29143, and (3) the record, it appears that Appellant Murauskas filed duplicate copies of the November 17, 2008 HRAP Rule 40 motion in appellate court case numbers 29143 and 29169, when, in fact, Appellant Murauskas actually intends for his November 17, 2008 HRAP Rule 40 motion to apply only to the October 30, 2008 order of dismissal in appellate court case number 29169. Appellant Murauskas's filing of his November 17, 2007 HRAP Rule 40 motion in appellate court case number 29143 appears to be an inadvertent mistake by Appellant Murauskas. Therefore,

IT IS HEREBY ORDERED that Appellant Murauskas's November 17, 2008 HRAP Rule 40 motion in appellate court case number 29143 is dismissed, and the parties in appellate court case number 29143 shall proceed with briefing pursuant to HRAP Rule 28.

DATED: Honolulu, Hawai'i, November 21, 2008.

  
Daniel R. Foley  
Presiding Judge

  
Associate Judge

  
Associate Judge