

NO. 29341

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

OLGA MARY LANSING,  
Plaintiff/Counterclaim-Defendant/Appellant

v.

NANCEE JENKO-CRISPIN,  
Defendant/Counterclaim-Plaintiff/Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 06-1-1891-10)

ORDER DENYING APPELLANT LANSING'S  
FEBRUARY 4, 2009 MOTION TO RECONSIDER  
JANUARY 26, 2009 DISMISSAL ORDER AND DENYING  
APPELLANT LANSING'S FEBRUARY 6, 2009 MOTION TO REINSTATE APPEAL  
(By: Foley, Presiding Judge, Fujise and Leonard, JJ.)

Upon review of (1) the January 26, 2009 order dismissing this appeal, (2) Plaintiff/Counterclaim-Defendant/Appellant Olga M. Lansing's (Appellant Lansing) February 4, 2009 motion to reconsider the January 26, 2009 order dismissing this appeal pursuant to Rule 40 of the Hawai'i Rules of Appellate Procedure (HRAP), (3) Appellant Lansing's February 6, 2009 "Motion to Reinstate Appeal[,]" and (4) the record, it appears that we have not overlooked or misapprehended any point of law or fact. We further note that the ten-day deadline for a motion for relief from the January 26, 2009 order dismissing this appeal pursuant to HRAP Rule 40 expired on February 5, 2009.

Therefore, IT IS HEREBY ORDERED that Appellant Lansing's February 4, 2009 HRAP Rule 40 motion to reconsider the January 26, 2009 order dismissing this appeal is denied, and

NORMA T. YARA  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

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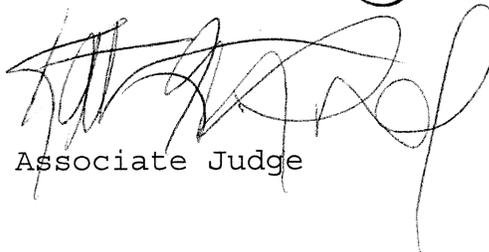
FILED

Appellant Lansing's February 6, 2009 "Motion to Reinstate Appeal" is denied.<sup>1</sup>

DATED: Honolulu, Hawai'i, February 11, 2009.

  
Presiding Judge

  
Associate Judge

  
Associate Judge

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<sup>1</sup> In light of Plaintiff/Counterclaim-Defendant/Appellant Olga M. Lansing's assertion that the circuit court has recently filed a February 4, 2009 amended judgment, we note that our dismissal of appellate court case number 29341 is without prejudice to any party's right to file, in the circuit court, a timely notice of appeal from the February 4, 2009 amended judgment.