

NO. 28423

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

OLGA M. LANSING, Plaintiff-Appellant, v.
NANCY JENKO-CRISPIN, Defendant-Appellee

E.M. RIMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2007 JUN - 1 AM 10:32

FILED

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(Civ. No. 06-1-1891)

ORDER DENYING MAY 30, 2007 "PLEA TO REINSTATE APPEAL"
(By: Recktenwald, C.J., Watanabe, and Foley, JJ.)

Upon review of (1) the May 16, 2007 order dismissing Plaintiff/Counterclaim-Defendant/Appellant Olga M. Lansing's (Appellant Lansing) appeal in appeal No. 28423 (the dismissal order); (2) Appellant Lansing's May 21, 2007 motion to reconsider the dismissal order pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 40; (3) the May 30, 2007 order denying Appellant Lansing's May 21, 2007 HRAP Rule 40 motion to reconsider the dismissal order; (4) Appellant Lansing's May 30, 2007 "Plea to Reinstate Appeal[,]" which we deem to be, in effect, a second HRAP Rule 40 motion to reconsider the dismissal order; and (5) the record, it appears that Appellant Lansing's May 30, 2007 HRAP Rule 40 motion to reconsider the dismissal order is not authorized. HRAP Rule 40(e) provides that "[o]nly one motion for reconsideration may be filed by any party, unless the court modifies the substance of its opinion, dispositional

order, or ruling." Appellant Lansing has already exhausted her possible remedies under HRAP Rule 40. Therefore,

IT IS HEREBY ORDERED that Appellant Lansing's May 30, 2007 HRAP Rule 40 motion to reconsider the dismissal order is denied.

DATED: Honolulu, Hawai'i, June 1, 2007.

Mrs. E. Redtenbacher

Chief Judge

Bernice K. A. Wataeshe

Associate Judge

Janet R. Foley

Associate Judge