

NO. 28841

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

HOWARD HOFELICH dba H ISABELLE MCGARRY TRUST MARCH 19, 1971,
Plaintiff-Appellant,

v.

STATE OF HAWAI'I, et al., Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIV. NO. 07-1-0133K (KONA))

ORDER DENYING MARCH 19, 2008 MOTION FOR
RECONSIDERATION, OR IN THE ALTERNATIVE, MOTION
FOR AN APPEAL TO THE SUPREME COURT OF HAWAI'I
(By: Watanabe, Presiding Judge, Foley and Nakamura, JJ.)

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2008 MAR 31 PM 4:02

FILED

Upon review of (1) the March 12, 2008 order dismissing this appeal for lack of jurisdiction, (2) the motion for reconsideration of the March 12, 2008 dismissal order pursuant to Rule 40 of the Hawai'i Rules of Appellate Procedure (HRAP) or, in the alternative, motion for an appeal to the Supreme Court of Hawai'i that Plaintiff-Appellant Howard Hofelich dba H. Isabelle McGarry Trust of March 19, 1971 (Appellant Hofelich) filed on March 19, 2008, and (3) the record, it appears that Appellant Hofelich's March 19, 2008 motion lacks merit. With respect to reconsideration pursuant to HRAP Rule 40, Appellant Hofelich has not shown any points of law or fact that we overlooked when we entered our March 12, 2008 order dismissing this appeal for lack of jurisdiction. To the extent that Appellant Hofelich seeks appellate review by the Supreme Court of Hawai'i, we note that we lack jurisdiction to grant an application for certiorari to the

Supreme Court of Hawai'i pursuant to HRAP Rule 40.1; the court to whom a party must apply for certiorari is the Supreme Court of Hawai'i. Therefore,

IT IS HEREBY ORDERED that Appellant Hofelich's March 19, 2008 motion for reconsideration of the March 12, 2008 dismissal order or, on the alternative, motion for an appeal to the Supreme Court of Hawai'i is denied. We note that if Appellant Hofelich wants the Supreme Court of Hawai'i to review the March 12, 2008 dismissal order, then Appellant Hofelich must file a timely application for a writ of certiorari to the Supreme Court of Hawai'i pursuant to HRAP Rule 40.1.

DATED: Honolulu, Hawai'i, March 31, 2008.

Corinne K. A. Watanabe

Presiding Judge

Clayton R. Foley

Associate Judge

Craig W. Nakamura

Associate Judge