

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

NO. 29929

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

MICHAEL P. FLINCHBAUGH, Plaintiff-Appellee, v.  
JOHN R. CATES, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 05-1-1022)

K. HANAKADO  
CLERK OF THE  
INTERMEDIATE COURT OF APPEALS

2010 JAN 28 AM 11:01

FILED

ORDER DENYING DEFENDANT-APPELLANT'S MOTION FOR RECONSIDERATION  
(By: Nakamura, C.J., Foley and Leonard, JJ.)

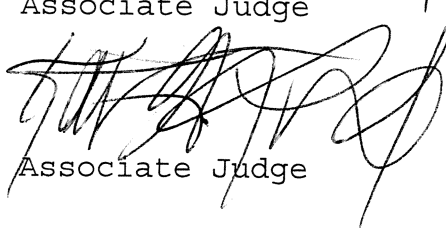
Upon review of (1) January 7, 2010 order dismissing appellate court case number 29929 for lack of jurisdiction, (2) Defendant-Appellant John R. Cates's (Appellant Cates) January 19, 2010 motion to reconsider the January 7, 2010 dismissal order pursuant to Rule 40 of the Hawai'i Rules of Appellate Procedure (HRAP), and (3) the record, it appears that we did not overlook or misapprehend any points of law or fact when we entered the January 7, 2010 dismissal order, and, thus, Appellant Cates's January 19, 2010 HRAP Rule 40 motion for reconsideration lacks merit. Therefore,

IT IS HEREBY ORDERED that Appellant Cates's January 19, 2010 HRAP Rule 40 motion for reconsideration of the January 7, 2010 dismissal order is denied.

DATED: Honolulu, Hawai'i, January 28, 2010.

  
Chief Judge

  
Associate Judge

  
Associate Judge