

NO. 25212

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

LAURA LEE FERREIRA, Petitioner-Appellee

vs.

GWEN BITTAN, Respondent-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
(S.P. NO. 02-0049PN)

ORDER GRANTING MOTION FOR RECONSIDERATION, ALLOWING BRIEF
TO BE FILED, AND ALLOWING ANSWERING AND REPLY BRIEFS TO BE FILED
(By: Nakayama, J., for the court¹)

On April 7, 2003, we dismissed this appeal because *pro se* Respondent-Appellant Gwen Bittan had not filed an opening brief. The Clerk has brought to our attention copies of an opening brief and a motion for reconsideration that were filed *ex officio* in the circuit court of the third circuit on February 20, 2003 and April 17, 2003, respectively. Originals of the documents have not been filed in this court despite the Clerk's instructions to Appellant Bittan. However, it is the policy of this court to permit litigants to appeal and to have their cases heard on the merits, where possible, *see, e.g., O'Connor v. Diocese of Honolulu*, 77 Hawaii'i 383, 386, 885 P.2d 361, 364 (1994). Therefore,

IT IS HEREBY ORDERED that the motion for reconsideration is granted.

IT IS FURTHER ORDERED that the Clerk shall file the copy of the opening brief and the copy of the motion for reconsideration in the supreme court record.

IT IS FINALLY ORDERED that the time for filing the

¹Considered by: Moon, C.J., Levinson, and Nakayama, JJ., Circuit Judge Chan, in place of Acoba, J., unavailable, and Circuit Judge McKenna, assigned by reason of vacancy.)

answering brief is extended to forty (40) days after entry of this order, unless the time is extended upon Appellee's timely motion. Within fourteen (14) days after the answering brief is served, the Appellant shall file her reply brief or shall submit a notice that a reply brief will not be filed. Appellant Bittan is admonished to provide original documents for filing and to forward to the Clerk of the Supreme Court the originals of any documents filed *ex officio* in the third circuit.

DATED: Honolulu, Hawai'i, April 28, 2003.

FOR THE COURT:

Associate Justice