

NO. 26086

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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MELITA DOMINGO, Plaintiff-Appellant

vs.

ATLANTIS SUBMARINES HAWAII, INC., and ATLANTIS SUBMARINES  
HAWAII, L.P., dba ATLANTIS ADVENTURES; JOHN DOES 1-10;  
JANE DOES 1-50; DOE PARTNERSHIPS 1-50; DOE CORPORATIONS 1-50;  
DOE ENTITIES 1-50; and DOE GOVERNMENTAL UNITS 1-50,  
Defendants-Appellees

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APPEAL FROM THE FIRST CIRCUIT COURT  
(CIV. NO. 00-1-1849)

ORDER DENYING MOTION FOR RECONSIDERATION

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon consideration of Plaintiff-Appellant Melito Domingo's motion for good cause to reconsider and set aside March 15, 2004 order dismissing appeal, to reinstate appeal, and to file opening brief forthwith, the papers and declarations in support, and the records and files herein, it appears that: (1) Appellant's opening brief was due on January 21, 2004; (2) when Appellant did not file the opening brief, the clerk's office informed counsel for Appellant that the brief was in default, that the matter would be brought to the attention of the court, and the appeal may be dismissed; (3) on February 9, 2004, this court granted Appellant's motion for leave to file a late opening brief forthwith, but Appellant did not file the opening brief; (4) on March 15, 2004, the appeal was dismissed due to Appellant's failure to file the opening brief; and (5) Appellant's counsel, Gary Victor Dubin, fails to show good cause for the court to reconsider the order dismissing the appeal. Therefore,

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

IT IS FURTHER ORDERED that, within ten days from the date of this order, **GARY VICTOR DUBIN, ESQ.**, Counsel for Appellant, shall show cause as to why he should not be sanctioned for failing to file the opening brief. Failure to respond to this motion or to show good cause may result in sanctions.

DATED: Honolulu, Hawai'i, March 24, 2004.