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Supreme Court
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SCWC-15-0000362

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

JAN MICHAEL WEINBERG, Respondent/Plaintiff-Appellee,

vs.

BRENDA IRENE DICKSON-WEINBERG, Petitioner/Defendant-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-15-0000362; FC-D NO. 04-1-3936)

ORDER DISMISSING PETITIONER/PLAINTIFF-APPELLANT'S
"RESPONSE TO THE SUPREME COURT RULING"

(By: Recktenwald, C.J., Nakayama, Pollack, and Wilson, JJ., and
Circuit Judge Chang, in place of McKenna, J., recused)

Petitioner/Defendant-Appellant filed a "Response to the Supreme Court Ruling," on August 26, 2016, which we review as a motion for reconsideration or, in the alternative, for an extension of time to file an application for writ of certiorari.¹ Upon consideration of this filing, the documents attached thereto and submitted in support thereof, and the record, to the

¹ Although Petitioner filed her certiorari application and "Response to the Supreme Court Ruling" pro se, Leslie C. Maharaj remained her counsel of record. See Hawai'i Rules of Appellate Procedure Rule 50 (providing the procedures for the appropriate withdrawal or discharge of appellate counsel subject to the discretion of the court).

extent Petitioner challenges the dismissal of her application for writ of certiorari, it is untimely. See Hawai'i Rules of Appellate Procedure (HRAP) Rule 40(a)(1) (providing that a motion for reconsideration may be filed by a party only within ten days after the filing of the dispositional order). Further, to the extent Petitioner seeks an extension of time to file her application for writ of certiorari, the request is also untimely. See HRAP Rule 40.1(a)(2)-(4) (providing 30 days for a party to extend the time to file an application for a writ of certiorari and that "[a]n untimely request shall not extend the time"). Accordingly,

IT IS HEREBY ORDERED that the motion is dismissed.

IT IS HEREBY FURTHER ORDERED that the appellate clerk shall forward a copy of this order to petitioner at her last known mailing address provided in the record of this case.

DATED: Honolulu, Hawai'i, September 14, 2016.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Richard W. Pollack

/s/ Michael D. Wilson

/s/ Gary W.B. Chang

