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Supreme Court  
SCWC-30707  
16-JUL-2012  
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NO. SCWC-30707

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

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SAINGOEN DAVIS, Petitioner/Plaintiff-Appellee,

vs.

NICHOLLE DAVIS, Respondent/Defendant-Appellee,

and

GARY W. VANCIL; MARK VAN PERNIS; VAN PERNIS-VANCIL,  
a Law Corporation, Respondents/Defendants-Appellants.

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CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(ICA NO. 30707; CIV. NO. 08-1-352K)

ORDER REJECTING APPLICATION FOR WRIT OF CERTIORARI  
(By: Nakayama, Acoba, and McKenna, JJ.,  
and Circuit Judge Sakamoto, assigned by reason of vacancy;  
with Recktenwald, C.J., dissenting)

Petitioner/Plaintiff-Appellee's application for writ of  
certiorari filed on June 1, 2012, is hereby rejected.

DATED: Honolulu, Hawai'i, July 16, 2012.

James J. Bickerton for  
petitioner

/s/ Paula A. Nakayama

Keith K. Hiraoka, James Shin  
and Jodie D. Roeca for  
respondent Gary W. Vancil, Mark  
Van Pernis and Van Pernis-  
Vancil, a Law Corporation

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Karl K. Sakamoto



DISSENT BY RECKTENWALD, C.J.

I respectfully dissent. In my view, the terms of the Settlement Agreement are ambiguous, and thus, I would grant the application to address the question of whether the Intermediate Court of Appeals gravely erred in failing to consider parole evidence.

/s/ Mark E. Recktenwald