

Electronically Filed
Supreme Court
SCWC-13-0000117
14-MAR-2014
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SCWC-13-0000117

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MICHAEL DOYLE RUGGLES, REV. NANCY WAITE HARRIS,
KENNETH V. MIYAMOTO-SLAUGHTER, WENDY TATUM,
DAVID TATUM, and ROBERT S. MURRAY,
Petitioners/Plaintiffs-Appellants,

and

GEORGE HERMAN KLARE, BARBARA JEAN LANG,
Respondents/Plaintiffs-Appellees,

vs.

DOMINIC YAGONG, DONALD IKEDA, J. YOSHIMOTO, DENNIS ONISHI,
FRED BLAS, BRITTANY SMART, BRENDA FORD, ANGEL PILAGO,
and PETE HOFFMAN, current Hawai'i County Council members;
JAY KIMURA, Hawai'i County Prosecutor; MITCHELL ROTH and
CHARLENE IBOSHI, Deputy Prosecuting Attorneys;
BILLY KENOI, Hawai'i County Chief of Police,
KELLY GREENWELL, GUY ENRIQUES, and EMILY NAEOLE,
previous Hawai'i County Council members,
Respondents/Defendants-Appellees.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-13-0000117; CIV. NO. 11-1-117)

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI
(By: Recktenwald, C.J., Nakayama, McKenna, and Pollack, JJ.
and Circuit Judge Crandall, assigned by reason of vacancy)

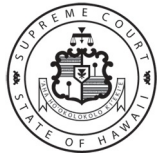
It appearing that the judgment on appeal in the above-referenced matter not having been filed by the Intermediate Court of Appeals at the time Petitioners' "notice of appeal" was filed, see Hawai'i Revised Statutes § 602-59(a)-(b) (Supp. 2013); see

also Hawai'i Rules of Appellate Procedure (HRAP) Rule 36(b) (1) (2013),

IT IS HEREBY ORDERED that Petitioners' "notice of appeal" that was refiled in SCWC-13-0000117, on March 6, 2014, is dismissed without prejudice to re-filing the application pursuant to HRAP Rule 40.1(a) (2013) ("The application shall be filed within thirty days after the filing of the intermediate court of appeals' judgment on appeal or dismissal order, unless the time for filing the application is extended in accordance with this rule.").¹

DATED: Honolulu, Hawai'i, March 14, 2014.

Michael D. Ruggles,	/s/ Mark E. Recktenwald
Rev. Nancy Waite Harris,	
Kenneth V. Miyamoto-Slaughter,	/s/ Paula A. Nakayama
Wendy Tatum, David Tatum,	
and Robert S. Murray,	/s/ Sabrina S. McKenna
petitioners pro se	
	/s/ Richard W. Pollack
	/s/ Virginia L. Crandall



¹ HRAP Rule 40.1(a) (2013) further provides:

(2) REQUEST EXTENDING TIME; TIME TO FILE. A party may extend the time to file an application for a writ of certiorari by filing a written request for an extension. The request for extension shall be filed no later than 30 days after entry of the intermediate court of appeals' judgment on appeal or dismissal order.

(3) TIMELY REQUEST; AUTOMATIC EXTENSION; NOTICE. Upon receipt of a timely written request, the appellate clerk shall extend the time for filing the application to the sixtieth day after entry of the intermediate court of appeals' judgment or dismissal order. The appellate clerk shall note on the record that the extension was granted. The clerk shall give notice the request is timely and granted.

(4) NO EXTENSION IF UNTIMELY. An untimely request shall not extend the time. The clerk shall give notice the request is untimely and denied.