

Electronically Filed
Supreme Court
SCWC-14-0001184
09-SEP-2015
07:52 AM

SCWC-14-0001184

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

KAHUKU PLANTATATION RESIDENTS ASSOCIATION, ALLAN TEJADA,
RAMONA TEJADA, STELLA L. MULIVAI, GUY R. EUGENIO, LYNN
MAINAAUPO-EUGENIO, SIMPLICIO CABAN, LENORA G. CABAN,
MILTON P. CAULFORD, CONNIE L. CAULFORD, JEFFERY S. COMPOC,
ROBERTA B. CONLEY, JOHN W. ERRETT, KAYE A. KROEHLER,
JANET FULTON, MARY KAINA, DWAYNE KAINA, GLEN MAGAHONY,
DENISE. A. MONIZ, RANASHA MONIZ, ALAN K. NAGATA, ROGELIO PANAG,
LETICIA PANAG, ALBERT PAO, ANTHONY PICKARD, LAURA L.J. PICKARD,
CRISTETA RECTA, RUBY M. RECTA, DANA SHIGEMITSU, DONNA SHLACTHER,
ANGEL A. ADVERSALO, KENNETH W. TAIPIN, NOELANI P. TAIPIN,
JERRY TUBAL, TRAVIS LEIMOMI TUBAL, DON GRAYCOCHEA,
SUZETTE GRAYCOCHEA, EDUVEJES A. MANDAC, R. MOLIA SALANOA,
COLINDA M. SOLANOA, MICHAEL LAGUA, LYNNE LAGUA, SHYROME PAHIA,
ROBERT S. TROTTER, SHIRDY BARNHART, AND SHEILA A. BARNHART,
Petitioners/Plaintiffs-Appellants,

vs.

WILLIAM AILA, personally, as State Historical Preservation
Officer, also as Chairman of the Board of Land and Natural
Resources and Director of the Department of Land and Natural
Resources; DEPARTMENT OF LAND AND NATURAL RESOURCES;
BOARD OF LAND AND NATURAL RESOURCES; STATE HISTORICAL
PRESERVATION DIVISION; PUA AIU, Past Director of the State
Historical Preservation Division and in her capacity as review
archaeologist AIS for Honolulu Authority Rapid Transit;
DEONA NABOA; personally, and as Archaeologist, State
Historical Preservation Division; KAWIKA FARM, personally,
Reburial Specialist, State Historical Preservation Division;
OFFICE OF THE ATTORNEY GENERAL; WILLIAM WYNHOFF,
Deputy Attorney General; GOVERNOR NEIL ABERCROMBIE;
CITY AND COUNTY OF HONOLULU DEPARTMENT OF PLANNING AND
PERMITTING; GEORGE I. ATTA, personally and in his capacity as
Director Designate of the City and County Department of

Planning and Permitting; DAVID TANOUE, for Director of the Department of Planning and Permitting; JIRO A. SUMADA, past acting director of the Department of Planning and Permitting; MAYOR KIRK CALDWELL, personally and as Mayor; CONTINENTAL PACIFIC, LLC; REYNOLDS HENDERSON, personally and as principal of Continental Pacific, LLC; JEREMY HENDERSON, as official part owner of Continental Pacific, LLC; JERE HENDERSON; past president of Continental Pacific and/or principal; J. BARRON STROTHER, Manager of Continental Pacific, LLC; HEATHER KOCH, attorney for Continental Pacific, LLC; LEX R. SMITH, personally and as attorney for Continental Pacific, LLC; LEX SMITH PROFIT SHARING SUB TRUST FUND; CYNTHIA NOJIMA; KOBAYASHI SUGITA AND GODA, LLP, law firm representing CONTINENTAL PACIFIC, LLC; JOHANSEN CONTRACTING, INC.; JOSEPH JOHANSEN, personally and as President and Operations Manager of Johansen Contracting, Inc.; ELITE PACIFIC PROPERTIES, LLC, officers and agents; REX MATSUO, personally and as agent for Elite Pacific Properties, LLC; KAHUKU VILLAGE ASSOCIATION; BOARD OF KAHUKU VILLAGE ASSOCIATION; JAMES CAMIT, personally and as Board member and as agent for Kahuku Village Association and agent for Continental Pacific LLC; DEBORAH SARSONA, personally and as agent for Kahuku Village Association; NOREEN CRISTOBAL, personally and as Board President and as agent for Kahuku Village Association; MOTOOKA & YAMAMOTO, law firm representing and Kahuku Village Association, Respondents/Defendants-Appellees.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-14-0001184; CIV. NO. 13-1-2936)

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI
(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

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 the application for writ of certiorari was filed, see Hawai'i Revised Statutes § 602-59(a) (Supp. 2013); see also Hawai'i Rules of Appellate Procedure (HRAP) Rule 36(b)(1) (2012),

IT IS HEREBY ORDERED that Petitioners/Plaintiffs-Appellants' application for writ of certiorari, filed August 27, 2015, is dismissed without prejudice to re-filing the application pursuant to HRAP Rule 40.1(a) (2014) ("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.").

DATED: Honolulu, Hawai'i, September 9, 2015.

Anthony P. Locricchio
for petitioners

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

