

Electronically Filed
Supreme Court
SCWC-14-0001066
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SCWC-14-0001066

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

NATIONAL INTERSTATE INSURANCE COMPANY, INC.,
Respondent/Petitioner-Appellee,

vs.

SAVIO REINHARDT, WILLIAM CORNELIO, JR.,
Respondents/Defendants-Appellees,

and

KAWIKA FRANCO, Individually and as Personal Representative
for the Estate of TIARE FRANCO; PEACHES KONG and APPLES
ELABAN, as Next Friends of LOVELY FRANCO (Minor); TAUUA
GLEASON, as Next Friend of KOLOMANA KONG KANIAUPIO GLEASON
and KAULANA KONG KANIAUPIO GLEASON (Minors); and
CHERYL RUSSELL, as Next Friend of JEANNE RUSSELL (Minor),
Petitioners/Defendants-Intervenors-Appellants.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-14-0001066; CIVIL NO. 13-1-0387(1))

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

It appearing that although the Intermediate Court of Appeals (ICA) issued a Memorandum Opinion on March 31, 2017, the judgment on appeal had not been filed by the ICA 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/Defendants-Intervenors-Appellants' application for writ of certiorari, filed April 27, 2017, 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, May 3, 2017.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

