

**Electronically Filed
Supreme Court
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SCWC-13-0002347

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

CAAP-13-0002347

RICHARD MISSLER and PATRICIA MISSLER,
Petitioners/Appellants-Appellees,

vs.

BOARD OF APPEALS OF THE COUNTY OF HAWAI'I;
B.J. LEITHEAD-TODD, Planning Director,
Department of Planning, County of Hawai'i,
Respondents/Appellees-Appellants,

and

MALAMA INVESTMENTS LLC, a Hawai'i limited liability company;
LOREN SAXTON and MARY SAXTON,
Co-Trustees of the Saxton Trust dated March 17, 2005,
Respondents/Appellee-Appellees

and

CAAP-13-0002752

RICHARD MISSLER and PATRICIA MISSLER,
Petitioners/Appellants-Appellees,

vs.

B.J. LEITHEAD-TODD, Respondent/Appellee-Appellant,

and

BOARD OF APPEALS OF THE COUNTY OF HAWAI'I;
MALAMA INVESTMENTS LLC, a Hawai'i limited liability company;
LOREN SAXTON and MARY SAXTON, Co-Trustees of the Saxton Trust
dated March 17, 2005, Respondents-Appellee-Appellees

and

CAAP-13-000340

RICHARD MISSLER and PATRICIA MISSLER,
Petitioners/Appellants-Appellees,

vs.

BOARD OF APPEALS OF THE COUNTY OF HAWAI'I;
MALAMA INVESTMENTS LLC, a Hawai'i limited liability company;
LOREN SAXTON and MARY SAXTON,
Co-Trustees of the Saxton Trust dated March 17, 2005; and
PLANNING DIRECTOR, DEPARTMENT OF PLANNING, COUNTY OF HAWAI'I,
Respondents/Appellees-Appellees

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CIVIL NO. 12-1-449K)

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

Petitioners/Appellants-Appellees Richard Missler and
Patricia Missler's application for writ of certiorari filed on
August 2, 2017, is hereby rejected.

DATED: Honolulu, Hawai'i, September 15, 2017.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

