

**Electronically Filed
Supreme Court
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SCWC-18-0000138

IN THE SUPREME COURT OF THE STATE OF HAWAII

ANNETTE M. KELEPOLO, Respondent/Plaintiff-Appellee,

vs.

GRACIANO KEHOPU FERNANDEZ, NANCY FERNANDEZ,
GRACE LYN W. FERNANDEZ-CHISHOLM, DAMIEN K. KAINA, JR.,
FRANK I. KAINA, JOSEPH T. KAINA, PATRICK KAINA,
TAMARA SMITH-KAUKINI, Petitioners/Defendants-Appellants.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-18-0000138; CIVIL NO. 16-1-0453(1))

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI AND
DIRECTING ANSWER TO PETITION FOR WRIT OF MANDAMUS

(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

Upon consideration of petitioners' application for writ of certiorari or in the alternative petition for writ of mandamus, filed on September 5, 2018, respondent's response to the application for writ of certiorari, filed on October 3, 2018, the respective supporting documents, and the record, it appears that petitioner is seeking certiorari review of the Intermediate Court of Appeals' August 15, 2018 order granting in part the motions for stay and the September 4, 2018 order denying the motion for reconsideration or, in the alternative, a writ of mandamus. The August 15, 2018 and September 4, 2018 orders are not reviewable by the supreme court by application for a writ of

certiorari. See HRAP 40.1(a); HRS §§ 602-5(a)(1) and 602-59(a).
Accordingly,

IT IS HEREBY ORDERED that:

1. As to the request for certiorari review, the application for a writ of certiorari is dismissed.

2. As to the request for mandamus relief:

a. Within twenty (20) days from the date of this order, the respondent shall file an answer to the petition.

b. The appellate clerk shall serve a copy of this order upon the respondent as required by HRAP Rule 21(c).

DATED: Honolulu, Hawai'i, November 2, 2018.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

