Electronically Filed Supreme Court SCWC-30115 01-DEC-2010 08:42 AM

NO. SCWC-30115

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

DAVID KERSH, Petitioner/Plaintiff-Appellant,

vs.

FRANCIS T. O'BRIEN and RANDALL Y. K. CHAR, Respondents/Defendants-Appellees.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS (CIVIL NO. 06-1-2208)

ORDER REJECTING APPLICATION FOR WRIT OF CERTIORARI (By: Nakayama, Acting C.J., for the court¹)

Petitioner/plaintiff-appellant David Kersh's

application for writ of certiorari, filed on November 8, 2010, is hereby rejected.

DATED: Honolulu, Hawaiʻi, December 1, 2010.

FOR THE COURT:

/s/ Paula A. Nakayama

Acting Chief Justice



¹ Considered by: Nakayama, Acting C.J., Acoba and Duffy, JJ., and Circuit Judge Ahn, in place of Recktenwald, C.J., recused, and Circuit Judge Garibaldi, assigned by reason of vacancy.