

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

NO. 30581

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

ROARING LION, LLC, a Montana Limited Liability Company;
DAVID COWAN and NATHALIE COWAN, et al, Plaintiffs-Appellees,

v.

EXCLUSIVE RESORTS PBL1, LLC,
a Delaware Limited Liability Company, et al.,
Defendants-Appellants,

and

PAUOA BAY PROPERTIES, LLC,
a Delaware Limited Liability Company, et al.,
Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 04-1-0332)

ORDER GRANTING AUGUST 30, 2010 MOTION TO DISMISS APPEAL
(By: Fujise, Presiding Judge, Reifurth and Ginoza, JJ.)

Upon review of (1) Defendants-Appellants Exclusive Resorts PBL1, LLC, and Exclusive Resorts PBL3, LLC's (Exclusive Resorts Appellants), August 30, 2010 motion to dismiss appellate court case number 30581 for lack of appellate jurisdiction, (2) Exclusive Resorts Appellants' August 31, 2010 errata as to their August 30, 2010 motion to dismiss, (3) Plaintiffs-Appellees Roaring Lion, LLC, David Cowan, Nathalie Cowan, Umang P. Gupta, Ruth M. Gupta, and Pauoa Beach 8 LLC's (the Appellees) September 7, 2010 statement of no opposition to the August 30, 2010 motion to dismiss, and (4) the record, it appears that we lack jurisdiction over this appeal because Exclusive Resorts Appellants did not timely appeal from the circuit court's May 17, 2010 "Order Granting in Part Plaintiffs' Motion for Order to Show Cause Why

2010 SEP 23 AM 10:09

FILED

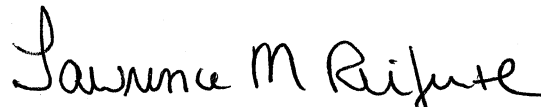
NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER


Defendants Exclusive Resorts PBL1, LLC[,] and Exclusive Resorts PBL3, LLC[,] Should Not Be Held in Contempt"¹ (the May 17, 2010 interlocutory order), as required under Rule 4(a)(1) of the Hawai'i Rules of Appellate Procedure (HRAP). Therefore,

IT IS HEREBY ORDERED that Exclusive Resorts Appellants' August 30, 2010 motion to dismiss appellate court case number 30581 for lack of appellate jurisdiction is granted, and this appeal is dismissed without prejudice to the parties' asserting a timely appeal from any appealable order or appealable judgment that the circuit court might enter in this case.

DATED: Honolulu, Hawai'i, September 23, 2010.


Presiding Judge


Associate Judge


Associate Judge

¹ The Honorable Greg K. Nakamura was the presiding judge.