

Electronically Filed
Supreme Court
SCWC-11-0001093
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SCWC-11-0001093

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

BG INCORPORATED, a Hawai'i corporation, BRYAN FUNAI AND
CYNTHIA J. FUNAI, Respondents/Plaintiffs-Appellees,

vs.

WILLIAM S. ELLIS, JR., Petitioner/Defendant-Appellant,

and

P.F. THREE PARTNERS, a Hawai'i limited partnership,
BARBARA A. SUMIDA, SUCCESSOR TRUSTEE OF THE MASURU SUMIDA TRUST;
STANLEY UNTEN, TRUSTEE AND SHAREHOLDER OF BANANA GROWERS OF
HAWAI'I, INC., a dissolved Hawai'i Corporation; TAMAE M. SHIRAISHI
and DEBRA J. SHIRAISHI-PRATT, SUCCESSOR CO-TRUSTEES TO CHARLEY T.
SHIRAISHI, TRUSTEE OF THE CHARLEY T. SHIRAISHI REVOCABLE TRUST,
Respondents/Defendants-Appellees.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-11-0001093; CIV. NO. 05-1-0232(2))

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

It appearing that the judgment on appeal in the above-
referenced matter not having been filed by the Intermediate Court
of Appeals at the time the application for certiorari was filed,
see Hawai'i Revised Statutes § 602-59(a) (Supp. 2011); see also
Hawai'i Rules of Appellate Procedure (HRAP) Rule 36(b)(1) (2012),

IT IS HEREBY ORDERED that Petitioner/Defendant-Appellant's application for writ of certiorari, filed July 26, 2013, is dismissed without prejudice to re-filing the application pursuant to HRAP Rule 40.1(a) (2012) ("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, August 7, 2013.

William S. Ellis, Jr.,
pro se

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

