

**Electronically Filed
Supreme Court
SCWC-30694
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SCWC-30694

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

AOAO QUEEN EMMA GARDENS and TOUCHSTONE PROPERTIES, LTD.,
Respondents/Appellants-Respondents/Appellees,

vs.

TOMMY WAI HUNG MA and SINDY YEE MA,
Petitioners/Appellees-Petitioners/Appellants,

and

OFFICE OF ADMINISTRATIVE HEARINGS,
CONDOMINIUM DISPUTE RESOLUTION PILOT PROGRAM,
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS,
STATE OF HAWAI'I,
Respondents/Appellees/Appellees.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(ICA NO. 30694; CIVIL NO. 09-1-1257)

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI

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

Upon review of the record, it appears that: (1) prior to the issuance of the judgment on appeal, Plaintiffs/Appellees/Petitioners-Appellants Tommy Wai Hung Ma and Sindy Yee Ma (Petitioners) filed an Application for Writ of Certiorari to the Hawai'i Supreme Court or Alternatively for Transfer (Hawai'i Rules

of Appellate Procedure (HRAP) Rule 40.1, 40.2) challenging the denial of attorneys' fees; (2) after the issuance of the judgment on appeal, Petitioners requested, and the appellate clerk entered, a thirty-day extension of time to file an application for a writ of certiorari; (3) Petitioners should raise all issues related to this case, including the denial of attorneys' fees, in a single application for writ of certiorari; and (4) the application for transfer is untimely. Therefore,

IT IS HEREBY ORDERED that the Application for Writ of Certiorari to the Hawai'i Supreme Court or Alternatively for Transfer (HRAP Rule 40.1, 40.2) is dismissed. This dismissal is without prejudice to Petitioners filing, within the time provided by the June 17, 2013 clerk's extension, an application for a writ of certiorari, which may include the points presented in the dismissed application.

DATED: Honolulu, Hawai'i, July 12, 2013.

Stephen M. Shaw,
for petitioners

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

Keith K. Hiraoka,
Shannon L. Wack,
Jodie D. Roeca,
for respondents
AOAO Queen Emma
Gardens and Touchstone
Properties, Ltd.

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

