

**Electronically Filed  
Supreme Court  
SCWC-13-0003857  
04-DEC-2014  
07:59 AM**

SCWC-13-0003857

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

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POFOLK AVIATION HAWAII, INC., and HALE O‘LELE CORP.,  
Petitioners/Plaintiffs-Appellants,

vs.

DEPARTMENT OF TRANSPORTATION FOR THE STATE OF HAWAI‘I,  
GLENN M. OKIMOTO, FORD FUCHIGAMI, and SIDNEY A. HAYAKAWA,  
Respondents/Defendants-Appellees.

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CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(CAAP-13-0003857; CIV. NO. 13-1-0787-03)

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI  
(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, 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. 2013); see also Hawai‘i Rules of Appellate Procedure (HRAP) Rule 36(b)(1) (2012),

IT IS HEREBY ORDERED that Petitioners’ application for writ of certiorari, filed November 20, 2014, is dismissed without prejudice to re-filing the application pursuant to HRAP Rule 40.1(a) (2014) (“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, December 4, 2014.

Eric A. Seitz and  
Della A. Belatti  
for petitioners

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

