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Supreme Court
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SCWC-15-0000445

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

ASSOCIATION OF APARTMENT OWNERS OF ROYAL ALOHA,
a Hawai'i non-profit corporation,
Respondent/Plaintiff-Appellant,

vs.

CERTIFIED MANAGEMENT, INC., a Hawai'i corporation;
CHANEY BROOKS & COMPANY, LLC, a Hawai'i corporation;
MICHAEL DAVID BRUSER, an individual; TOKYO JOE'S, INC.,
a Hawai'i corporation; MICHAEL T. MCCORMACK, individually and as
Trustee under that certain unrecorded Michael T. McCormack
Revocable Living Trust Agreement dated November 12, 1991;
MICHAEL T. MCCORMACK and SIGNA S. MCCORMACK, as Co-Trustees of
The McCormack Ranch Trust dated January 6, 2005;
Petitioners/Defendants-Appellees.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-15-0000445; CIV. NO. 12-1-1019)

ORDER DISMISSING APPLICATIONS 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 Petitioners' and Respondent's applications for writ of certiorari were 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' July 21, 2016 application for writ of certiorari and Respondent's July 28, 2016 application for writ of certiorari, are dismissed without prejudice to re-filing the applications 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, August 3, 2016.

John D. Zalewski,
Mark Valencia, James H.Q.
Lee, Thomas J. Wong, and
Yuriko J. Sugimura
for petitioners

Matt A. Tsukazaki
for respondent

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

