

**Electronically Filed
Supreme Court
SCWC-16-0000423
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SCWC-16-0000423

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

ASSOCIATION OF APARTMENT OWNERS OF HOLOLANI, by its Board of
Directors, Respondent/Plaintiff-Appellee,

vs.

LIZ MILLER and DAN MILLER,
Petitioners/Defendants-Appellants.

DANIEL P. MILLER and ELIZABETH A. MILLER,
Petitioners/Counterclaimants-Appellants,

vs.

ASSOCIATION OF APARTMENT OWNERS OF HOLOLANI, a Hawai‘i nonprofit
corporation, Respondent/Counterclaim Defendant-Appellee.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-16-0000423; CIV. NO. 2CC061000249(3))

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

It appearing that the judgment on appeal in the above-
referenced matters not having been filed by the Intermediate
Court of Appeals at the time the application for writ of
certiorari was filed, see Hawai‘i Revised Statutes § 602-59(a)

(2017); see also Hawai'i Rules of Appellate Procedure (HRAP) Rule 36(b) (1) (2016),

IT IS HEREBY ORDERED that Petitioners' application for writ of certiorari, filed on May 24, 2021, is dismissed without prejudice to re-filing the application pursuant to HRAP Rule 40.1(a) (2017). ("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, May 26, 2021.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

