

**Electronically Filed
Intermediate Court of Appeals
CAOT-22-0000491
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NO. CAOT-22-0000491

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

BENJAMIN PAUL KEKONA and TAMAE M. KEKONA, Plaintiffs-Petitioners,
v. PAZ FENG ABASTILLAS, also known as PAZ A. RICHTER;
ROBERT A. SMITH, personally;
ROBERT A. SMITH, Attorney At Law, a Law Corporation;
STANDARD MANAGEMENT, INC.; MICHAEL BORNEMANN;
U.S. BANCORP MORTGAGE COMPANY, an Oregon Company;
WESTERN SURETY COMPANY, sued herein as Doe Entity 1;
JOHN DOES 1-10; JANE DOES 1-10; DOE CORPORATIONS 1-10;
DOE ENTITIES 1-10, Defendants-Respondents

CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 93-3974)

ORDER DISMISSING CASE FOR LACK OF JURISDICTION

(By: Leonard, Presiding Judge, Hiraoka and Guidry, JJ.)

Upon review of the record in CAOT-22-0000491, it appears that the court lacks jurisdiction under Hawaii Revised Statutes (**HRS**) § 602-57(3) (2016) over Plaintiffs-Petitioners Benjamin Paul Kekona and Tamae M. Kekona's August 12, 2022 Motion for Order or Writ in Aid of Jurisdiction. HRS § 602-57(3) grants this court jurisdiction to "make or issue any order or writ necessary or appropriate in the aid of its jurisdiction[.]" The record does not indicate any attempt to appeal from Civil No. 93-3974 having been made. There is nothing for this court to aid under HRS § 602-57(3). Cf. State by Off. of Consumer Prot. v. Joshua, 141 Hawai'i 91, 99, 405 P.3d 527, 535 (2017); Waikiki v. Ho'omaka Village Association of Apartment Owners, 140 Hawai'i 197, 398 P.3d 786 (2017). Only the Hawai'i Supreme Court has

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jurisdiction to issue an original writ to a court of inferior jurisdiction. HRS § 602-5(3) (2016).

Therefore, IT IS HEREBY ORDERED that CAOT-22-0000491 is dismissed for lack of jurisdiction.

IT IS FURTHER ORDERED that all pending motions are dismissed.

DATED: Honolulu, Hawai'i, October 10, 2023.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge