

**Electronically Filed  
Supreme Court  
SCWC-17-0000714  
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SCWC-17-0000714

IN THE SUPREME COURT OF THE STATE OF HAWAII

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DAVID COWAN and NATHALIE COWAN; and PAUOA BEACH 8 LLC,  
a Hawai'i Limited Liability Company,  
Petitioners/Plaintiffs-Appellants/Cross-Appellees,

and

UMANG P. GUPTA and RUTH M. GUPTA, as Trustees of the Umang and  
Ruth Gupta Trust under Trust Agreement dated January 18, 2000;  
Respondents/Plaintiffs-Appellants/Cross-Appellees,

and

ROARING LION, LLC, a Montana Limited Liability Company;  
ROGER A. GREENWALD and JENNIFER A. HURWITZ,  
Respondents/Plaintiffs-Appellees/Cross-Appellees,

vs.

EXCLUSIVE RESORTS PBL1, LLC,  
a Delaware Limited Liability Company;  
Respondent/Defendant-Appellee/Cross-Appellant,

and

PAUOA BAY PROPERTIES LLC, a Delaware Limited Liability Company;  
WHITE SAND BEACH LIMITED PARTNERSHIP, a Delaware Limited  
Partnership; PAUOA BEACH REALTY LLC, a Hawai'i Limited Liability  
Company; EXCLUSIVE RESORTS PBL3, LLC, a Delaware Limited  
Liability Company;  
Respondents/Defendants-Appellees/Cross-Appellees.

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CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(CAAP-17-0000714; CASE NO. 3CC041000332)

ORDER ACCEPTING APPLICATION FOR WRIT OF CERTIORARI

(By: Recktenwald, C.J., McKenna, Eddins and Devens, JJ.,  
and Circuit Judge Johnson, in place of Ginoza, J., recused)

Petitioners' Application for Writ of Certiorari, filed  
on May 20, 2024, is hereby accepted.

IT IS FURTHER ORDERED that no oral argument will be  
heard in this case. Any party may, within ten days and pursuant  
to Rule 34(c) of the Hawai'i Rules of Appellate Procedure, move  
for retention of oral argument.

DATED: Honolulu, Hawai'i, July 16, 2024.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Vladimir P. Devens

/s/ Ronald G. Johnson

