

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-21-000059

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

DAVID TARAN and RANDY TARAN, Plaintiffs-Appellants,
v.
RAYMOND L. LAGGER, an individual, Defendant-Appellee,
and
JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS,
DOE CORPORATIONS, and DOE GOVERNMENTAL UNITS and
OTHER ENTITIES 1-20, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CASE NO. 3CC19100005K)

ORDER

(By: Hiraoka, Presiding Judge, Nakasone and McCullen, JJ.)

Upon review of "Defendant/Appellee Raymond L. **Lagger's Motion** for Reconsideration of the Summary Disposition Order, Filed October 11, 2024," filed on October 18, 2024, the papers in support, and the record, it appears that:

1. The Motion recognizes that "[t]he only issue upon which summary judgment was granted below involved a question of law – whether the language . . . of the Master Declaration is ambiguous" and argues we didn't "decide that legal question";

2. Lagger argued the Master Declaration was ambiguous because it "does not *define* what constitutes an unreasonable obstruction" (emphasis added); and

3. We concluded the lack of a definition "doesn't make the phrase *unreasonably obstruct the view* ambiguous. The

circuit court erred by granting Lagger's motion for summary judgment on that basis."

Lagger's Motion presents no point of law or fact we overlooked or misapprehended. See Rule 40(b), Hawai'i Rules of Appellate Procedure. IT IS HEREBY ORDERED that the Motion is denied.

DATED: Honolulu, Hawai'i, October 23, 2024.

/s/ Keith K. Hiraoka
Presiding Judge

/s/ Karen T. Nakasone
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge