

**Electronically Filed
Supreme Court
SCWC-24-0000770
23-OCT-2026
11:43 AM
Dkt. 10 OGAC**

SCWC-24-0000770

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

GARY J. RICCI,
Petitioner/Plaintiff-Appellant,

vs.

GERALD CARP M.D.; ALOHA EYE CLINIC; DR. THOMAS KROPP;
DR. CLAUDIA HOOTEN; BENNETT EYE INSTITUTE,
Respondents/Defendants-Appellees.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-24-0000770; CASE NO. 2CCV-22-0000303)

ORDER ACCEPTING APPLICATION FOR WRIT OF CERTIORARI
(By: Devens, C.J., McKenna, and Eddins, JJ., and
Circuit Judge Tonaki, assigned by reason of vacancy;
and Ginoza, J., dissenting)

Petitioner filed the application for certiorari on August 24, 2026, three business days after the August 19, 2026, deadline. Pursuant to this court's discretion set forth in Hawai'i Revised Statutes ("HRS") § 602-59(a), and pursuant to this court's powers under HRS § 602-5(a)(6) for the promotion of justice in matters pending before it and under Hawai'i Rules of Appellate Procedure ("HRAP") Rule 2 to suspend rules,

Petitioner's application is hereby accepted as to the first question on certiorari only.

It is further ordered, that no oral argument will be heard in this case. Any party may, within ten days and pursuant to HRAP Rule 34(c), move for retention of oral argument.

DATED: Honolulu, Hawai'i, October 23, 2026.

/s/ Vladimir P. Devens

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ John M. Tonaki



DISSENT BY GINOZA, J.

I respectfully dissent to the Order Accepting Application for Writ of Certiorari because the application was untimely and this court lacks jurisdiction. See HRS § 602-59(c) (Supp. 2017) (establishing the statutory time limit for filing an application for writ of certiorari).

/s/ Lisa M. Ginoza