

NO. 29317

IN THE SUPREME COURT OF THE STATE OF HAWAII

CLERK, APPELLATE COURTS
STATE OF HAWAII
NORMA K. KAMATA

2009 JUN - 8 PM 3:41

FILED

PACIFIC MORTGAGE INVESTORS, LLC, Respondent-Plaintiff/
Counterclaim Defendant-Appellee,

vs.

THOMAS MOSES JOHNSON, III, also known as
Thomas M. Johnson, III, Petitioner-Defendant/
Cross-Claim Defendant-Appellant,

and

FIRST HAWAIIAN BANK, Respondent-Defendant/Counterclaim
Plaintiff-Appellee,

and

BANK OF HAWAII, Respondent-Defendant-Appellee,

and

JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10;
DOE CORPORATIONS 1-10; DOE ENTITIES 1-10; and
DOE GOVERNMENTAL UNITS 1-10, Defendants,

and

JOHN DOES 6-20; JANE DOES 6-20; DOE PARTNERSHIPS 6-20;
DOE CORPORATIONS 6-20; DOE "NON-PROFIT" CORPORATIONS 6-20;
and DOE GOVERNMENTAL UNITS 6-20; Additional Cross-Claim
Defendants,

and

COLONY SURF, LTD.; COLONY SURF ASSOCIATION OF APARTMENT
OWNERS, Respondent-Defendant Doe Corporation 1 and
Doe Entity 1-Appellees.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CIV. NO. 07-1-1893)

ORDER DISMISSING APPEAL AS MOOT

(By: Moon, C.J., Nakayama, Acoba, and Duffy, JJ., and
Circuit Judge Town, assigned by reason of vacancy)

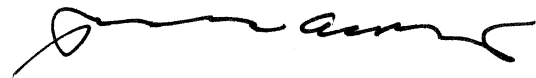
Petitioner-defendant/cross-claim defendant-appellant
Thomas Moses Johnson, III, having failed to show good cause as to
why this appeal should not be dismissed,

IT IS HEREBY ORDERED that the above-captioned appeal is
dismissed as moot inasmuch as this court is unable to grant
effective relief. See City Bank v. Saje Ventures II, 7 Haw. App.
130, 133, 748 P.2d 812, 814 (App. 1988) (holding that right of a
good faith purchaser to receive property acquired at a judicial
sale cannot be affected by reversal of order ratifying the sale
where supersedeas bond has not been filed) (citing United States
v. Oregon, 718 F.2d 299, 302 (9th Cir. 1983); Hurley v. Deutsche
Bank Trust Co. Americas, 2009 WL 701006 (W.D. Mich. 2009)
(recognizing that 50 App. U.S.C. § 521(h) provides that court
action shall not impair a right or title acquired by a bona fide
purchaser for value).

DATED: Honolulu, Hawai'i, June 8, 2009.



Kamea E. Duffy, Jr.



Kamea E. Duffy, Jr.

