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Supreme Court
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SCWC-29553

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

HIROKAZU NAKAJIMA,
Petitioner/Plaintiff/Cross-Defendant/Appellant,

vs.

AKI NAKAJIMA,
Respondent/Defendant/Cross-Plaintiff/Appellee.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(ICA NO. 29553; FC-DIVORCE NO. 05-1-0587)

ORDER DENYING MOTION FOR RECONSIDERATION

(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

On August 18, 2014, Petitioner/Plaintiff/Cross-Defendant/Appellant Hirokazu Nakajima (Hirokazu) filed a Motion for Reconsideration of this court's August 7, 2014 order accepting his application for a writ of certiorari and remanding the case to the Intermediate Court of Appeals for further proceedings.¹ In his motion, Hirokazu argues that this court

¹ Because this court's August 7, 2014 order was a dispositional order and not merely an order accepting an application for a writ of certiorari, Hawai'i Rules of Appellate Procedure (HRAP) Rule 40.1(h) does not apply. In such circumstances, this court's appellate jurisdiction covers the ten-day time period in which a party may file a motion for reconsideration. See HRAP Rule 40(a).

misconstrued the scope of the sanctions that the Family Court of the Second Circuit imposed for abuse of the discovery process. He asserts that those sanctions did not extend to the denial of an evidentiary hearing regarding the valuation of Avalon Cove, Inc. Hirokazu's argument is meritless. The family court specifically concluded "that there was no due process violation in determining the appraised value of the Avalon Cove properties without an evidentiary hearing because its ruling . . . reflects sanctions against Hirokazu for concealing assets." See Record on Appeal at 1253 (some capitalization omitted). The record confirms that the family court's sanctions included denying Hirokazu an evidentiary hearing. Therefore,

IT IS HEREBY ORDERED that the motion for reconsideration is denied.

DATED: Honolulu, Hawai'i, August 27, 2014.

Blake T. Okimoto
for respondent
on the motion

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

Junsuke Otsuka
for petitioner
on the response

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

