

\*\*\* NOT FOR PUBLICATION \*\*\*

NO. 26291

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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GEORGE KAHO'OHANO HANO; LOREN ANDRADE; STATE OF HAWAI'I  
ORGANIZATION OF POLICE OFFICERS (SHOPO); PAULINE EFHAN;  
and NORMA CARAVALHO,  
Plaintiffs-Appellees, Cross-Appellants, Cross-Appellee

and

JACKIE FERGUSON-MIYAMOTO, RICHARD L. HUMPHREYS, ODETTA FUJIMORI,  
DARWIN J. HAMAMOTO, PILIALOHA E. LEE LOY, NEAL K. KANDA,  
COLBERT M. MATSUMOTO, and STANLEY T. SHIRAKI, in their official  
capacities as Trustees of the Employees' Retirement System of  
the State of Hawaii and not in their individual capacities,  
Intervenor Plaintiffs-Appellants, Cross-Appellees

vs.

STATE OF HAWAI'I,  
Defendant-Appellee, Cross-Appellee, Cross-Appellant,

and

CITY AND COUNTY OF HONOLULU,  
Intervenor Defendant-Appellee, Cross-Appellee, Cross-Appellant

and

COUNTY OF KAUA'I, COUNTY OF MAUI AND COUNTY OF HAWAI'I,  
Additional Defendants-Appellees, Cross-Appellees

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APPEAL FROM THE FIRST CIRCUIT COURT  
(CIV. NO. 02-1-1001)

ORDER VACATING AMENDED JUDGMENT AND DISMISSING APPEAL  
(By: Moon, C.J., Levinson, Nakayama, and Acoba, JJ.  
and Circuit Judge Pollack, in place of Duffy, J. recused)

Upon review of the record, it appears that the June 24,  
2003 judgment in Civil No. 02-1-1001 was timely appealed by the  
parties in No. 26178. The timely appeals of the June 24, 2003  
judgment divested the circuit court of jurisdiction over Civil

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No. 02-1-1001 and the circuit court was without jurisdiction to enter the December 10, 2003 amended judgment and related orders. Thus, the December 10, 2003 amended judgment and related orders are void and of no effect. Therefore,

IT IS HEREBY ORDERED that the December 10, 2003 amended final judgment, the December 10, 2003 order granting the June 27, 2003 motion to alter judgment and the December 10, 2003 amended order granting summary judgment are vacated. The appeals by plaintiffs George Kaho'ohanohano et al., plaintiffs ERS Trustees, defendant State of Hawai'i and defendant City and County of Honolulu are dismissed.

DATED: Honolulu, Hawai'i, April 30, 2004.