

NO. 27940

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

E & J LOUNGE OPERATING COMPANY, INC.,
a Hawai'i corporation,
Petitioner/Appellant-Appellee/Cross-Appellee

vs.

LIQUOR COMMISSION OF THE CITY
AND COUNTY OF HONOLULU,
Respondent/Appellee-Appellant/Cross-Appellee

and

H. JAMES STAHL; TYSON J. THOMAS; RANDI THOMAS;
EMILY REED; and BILL MAXWELL, Respondents/Intervenors-
Appellees/Intervenors-Cross-Appellants

FILED
2008 APR -7 PM 2:09
CLERK OF THE SUPREME COURT
STATE OF HAWAII

FILED

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CIV. NO. 05-1-1464)

ORDER DENYING MOTION FOR EXTENSION OF TIME
TO RESPOND TO APPLICATION FOR WRIT OF CERTIORARI
(By: Acoba, J., for the court¹)

Upon consideration of the response to the application for writ of certiorari and the motion for leave to extend time to respond to the said application filed by Respondents/Intervenors-Appellees/Intervenors-Cross-Appellants Randi Thomas (Thomas) and Emily Reed (Reed), and the record herein, it appears that Thomas and Reed filed both the response to the application for writ of certiorari and the motion for leave to respond on March 27, 2008, three days after the due date for the response filing. See

¹ Considered by Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.

Hawai'i Revised Statutes § 602-59(c) (Supp. 2007) ("Opposition to an application for a writ of certiorari may be filed no later than fifteen days after the application is filed."). The time within which a response to an application for writ of certiorari must be filed is set by statute and Thomas and Reed's response was not timely filed under that statute. Therefore,

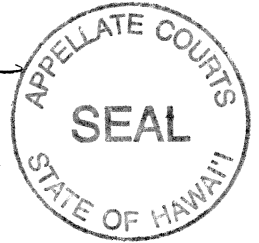
IT IS HEREBY ORDERED that the motion is denied.

DATED: Honolulu, Hawai'i, April 7, 2008.

FOR THE COURT:



SIMEON R. ACOBA, JR.
Associate Justice



Randi Thomas and Emily Reed,
Respondents/Intervenors-
Appellees/Intervenors-Cross-
Appellants, *pro se*, on the
motion.