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Supreme Court  
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SCWC-13-0003520

IN THE SUPREME COURT OF THE STATE OF HAWAII

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DIANE SMITH,  
Respondent/Petitioner-Appellee,

vs.

JAMES R. SMITH,  
Petitioner/Respondent-Appellant.

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CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(CAAP-13-0003520; FC-DA NO. 13-1-0083)

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI  
(By: Recktenwald, C.J., Nakayama, McKenna, Pollack and Wilson, JJ.)

Petitioner/Respondent-Appellant James R. Smith's application for writ of certiorari filed on August 31, 2015, was filed more than thirty days after the filing of the ICA's July 17, 2015, judgment on appeal. The application is untimely and thus, this courts lacks appellate jurisdiction. See Hawai'i Revised Statutes § 602-59(c) (Supp. 2011); Hawai'i Rules of Appellate Procedure Rule 40.1(a). Therefore,

IT IS HEREBY ORDERED that the application for writ of certiorari is dismissed.

DATED: Honolulu, Hawai'i, September 22, 2015.

James R. Smith,  
petitioner pro se

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

