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Supreme Court
SCWC-15-0000080
16-DEC-2015
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SCWC-15-0000080

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

McCULLY ASSOCIATES,
Respondent/Plaintiff-Appellee,

v.

TEN GRAND ASSOCIATES, a Hawai'i limited partnership, and
TEN GRAND INVESTMENTS, INC., a Hawai'i Corporation,
Respondents/Defendants-Appellees.

JERRY TARUTANI and HUO CHEN, Co-Trustees of the Gregory Y.Y. Dunn
Irrevocable Trust Dated December 17, 1993, Roger Y.H. Dunn
Irrevocable Trust Dated December 17, 1993, Laurieann Y.F. Dunn
Irrevocable Trust Dated December 17, 1993, and Michael Y.H. Dunn
Irrevocable Trust Dated December 17, 1993,
Respondents/Additional Defendants-Appellees,

RONALD K. KOTOSHIRODO, RECEIVER,
Respondent/Third-Party Plaintiff-Appellee,

v.

ALEXANDER Y. MARN,
Petitioner/Third-Party Defendant-Appellant,

and

ERIC Y. MARN,
Respondent/Third-Party Defendant-Appellee

FIRST HAWAIIAN BANK,
Respondent/Garnishee-Appellee

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-15-0000080; CIV. NO. 05-1-2246-12)

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

It appearing that the judgment on appeal in the above-referenced matter not having been filed by the Intermediate Court of Appeals at the time the application for writ of certiorari was filed, see Hawai'i Revised Statutes § 602-59(a) (Supp. 2014); see also Hawai'i Rules of Appellate Procedure (HRAP) Rule 36(b) (1) (2015),

IT IS HEREBY ORDERED that Petitioner/Third-Party Defendant-Appellant's application for writ of certiorari, filed November 9, 2015, is dismissed without prejudice to re-filing application pursuant to HRAP Rule 40.1(a) (1) (2015) ("The application shall be filed within 30 days after the filing of the intermediate court of appeals' judgment on appeal or dismissal order, unless the time for filing the application is extended in accordance with this rule.").

DATED: Honolulu, Hawai'i, December 16, 2015.

Alexander Y. Marn
petitioner pro se

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

