

**Electronically Filed
Supreme Court
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SCWC-15-0000093

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

PAT ROCCO,
Petitioner/Plaintiff-Appellant,

vs.

KALAPANA SEAVIEW ESTATES COMMUNITY ASSOCIATION,
Respondent/Defendant-Appellee.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-15-0000093; CASE NO. 3RC-13-1-589)

ORDER DISMISSING WITHOUT PREJUDICE APPLICATION
FOR WRIT OF CERTIORARI

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

Upon consideration of Petitioner/Plaintiff-Appellant Pat Rocco's Application for Writ of Certiorari filed on July 2, 2015, and the record, it appears that the Intermediate Court of Appeals has not issued a decision on the appeal to date, and therefore, Petitioner's request for certiorari review is premature. See HRS § 602-59(a) ("After issuance of the intermediate appellate court's judgment or dismissal order, a party may seek review of the intermediate appellate court's decision and judgment or dismissal order only by application to the supreme court for a writ of certiorari"); HRAP Rule

40.1(a)(1) ("A party may seek review of the intermediate court of appeals' decision by filing an application for a writ of certiorari in the supreme court. The application shall be filed within 30 days after the filing of the intermediate court of appeals' judgment on appeal or dismissal order").

Accordingly,

IT IS HEREBY ORDERED that the Application for Writ of Certiorari is dismissed without prejudice to re-filing a certiorari application as provided for under HRS § 602-59 and HRAP Rule 40.1.

DATED: Honolulu, Hawai'i, August 4, 2015.

Pat Rocco
petitioner pro se

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

