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Supreme Court  
SCWC-29454  
06-OCT-2015  
10:43 AM

SCWC-29454

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

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THOMAS FRANK SCHMIDT and LORINNA JHINCIL SCHMIDT,  
Petitioners/Plaintiffs-Appellants and Cross-Appellees,

vs.

HSC, INC., a Hawai‘i corporation,  
RICHARD HENDERSON, SR., and ELEANOR R.J. HENDERSON.  
Respondents/Defendants-Appellees and Cross-Appellants.

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CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(ICA NOS. 29454 and 29589; CIV. NO. 06-1-0228)

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI  
(By: Nakayama, Acting C.J., McKenna, Pollack, and Wilson, JJ., and  
Circuit Judge Garibaldi, in place of Recktenwald, C.J., recused)

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. 2013); see also Hawai‘i Rules of Appellate Procedure (HRAP) Rule 36(b)(1) (2012),

IT IS HEREBY ORDERED that Petitioners/Plaintiffs-Appellants and Cross-Appellees application for writ of certiorari, filed September 30, 2015, is dismissed without

prejudice to re-filing the application pursuant to HRAP Rule 40.1(a) (2014) (“The application shall be filed within thirty 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, October 6, 2015.

R. Steven Geshell and  
Thomas P. Dunn  
for petitioners

/s/ Paula A. Nakayama  
/s/ Sabrina S. McKenna  
/s/ Richard W. Pollack  
/s/ Michael D. Wilson  
/s/ Colette Y. Garibaldi

