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Supreme Court
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SCWC-17-0000145

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

GILBERT V. MALABE and DAISY D. MALABE,
Respondents/Plaintiffs-Appellants,

vs.

ASSOCIATION OF APARTMENT OWNERS OF EXECUTIVE CENTRE,
by and through its Board of Directors,
Petitioner/Defendant-Appellee.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-17-0000145; CIVIL NO. 16-1-2256)

ORDER

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

Upon consideration of Respondents/Plaintiffs-Appellants Gilbert V. Malabe and Daisy D. Malabe’s “Motion for Leave to File Supplemental Brief” (“motion”), filed June 3, 2019, and the record herein,

IT IS HEREBY ORDERED that the motion is GRANTED.

IT IS FURTHER ORDERED that the parties shall file a supplemental brief by August 5, 2019, addressing the following issue:

What effect, if any, does SB551, CD1 of 2019 have on this case?

The parties may file responses by August 19, 2019 responding to the opposing party's supplemental brief. Each supplemental brief shall not exceed thirty (30) pages, and each responsive brief shall not exceed fifteen (15) pages.

The parties are reminded that pursuant to Hawai'i Rules of Appellate Procedure ("HRAP") Rule 44:

It shall be the duty of a party who draws in question the constitutionality of any statute of the State of Hawai'i in any proceeding in any Hawai'i appellate court to which the State of Hawai'i, or any agency thereof, or any officer or employee thereof, as such officer or employee, is not a party, upon the filing of the record, or as soon thereafter as the question is raised in the appellate court, to give immediate notice in writing to the Attorney General of the State of Hawai'i of the existence of said question.

DATED: Honolulu, Hawai'i, July 16, 2019.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

