

**Electronically Filed  
Supreme Court  
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SCWC-20-0000320

IN THE SUPREME COURT OF THE STATE OF HAWAII

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ARYN NAKAOKA and DARCIÉ NAKAOKA,  
Petitioners/Plaintiffs-Appellants,

vs.

EUGENE SHIZURU and CAROLE SHIZURU; DANIEL T.M. CHOY,  
individually and dba CORINTHIANS REALTY; and LYNIEL  
CHOY, individually and dba RAINBOW REALTY INTERNATIONAL,  
Respondents/Defendants-Appellees.

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CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(CAAP-20-0000320; CIV. NO. 1CC161002076)

ORDER ACCEPTING APPLICATION FOR WRIT OF CERTIORARI  
(By: Recktenwald, C.J., Nakayama, McKenna, and Eddins, JJ.,  
and Circuit Judge Wong, in place of Wilson, J., recused)

Petitioners/Plaintiffs-Appellants' Application for  
Writ of Certiorari, filed on January 21, 2023, is hereby  
accepted.

IT IS FURTHER ORDERED that each of the parties shall  
file a supplemental brief within fourteen (14) days from the  
date of this Order, not to exceed ten (10) pages in length,  
addressing the following two questions:

(1) Whether Respondents/Defendants-Appellees waived their HRS § 508D-18 alternative dispute resolution defense by raising it for the first time in Eugene Shizuru and Carole Shizuru's July 8, 2019 motion for partial summary judgment, or alternatively, whether they are estopped from raising the defense.

(2) Whether the award of attorneys' fees and costs by the circuit court was fair and reasonable, in light of that delay.

DATED: Honolulu, Hawai'i, March 17, 2023.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Paul B.K. Wong

