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SCWC-11-0000528

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Respondent/Plaintiff-Appellee,

vs.

TYLOR TRAN, Petitioner/Defendant-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP 11-0000528; CASE NO. 1DTA-11-00241)

ORDER AFFIRMING JUDGMENT ON APPEAL

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

On November 7, 2012, Petitioner/Defendant-Appellant Tylor Tran timely filed an application for a writ of certiorari from the Intermediate Court of Appeals' ("ICA"), November 7, 2012 judgment, entered pursuant to its September 25, 2012 summary disposition order ("SDO"). The ICA's SDO vacated the District Court of the First Circuit's (district court) judgment and remanded the case to the district court with instructions to dismiss the complaint without prejudice. This court accepted certiorari on December 20, 2012.

Upon careful review of the record and the briefs submitted by the parties, and having given due consideration to the arguments advanced and the issues raised,

IT IS HEREBY ORDERED that the ICA's November 7, 2012 judgment on appeal is affirmed.

DATED: Honolulu, Hawai'i, April 5, 2013.

Richard L. Holcomb
for petitioner

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

