

**Electronically Filed  
Supreme Court  
SCWC-12-0000819  
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SCWC-12-0000819

IN THE SUPREME COURT OF THE STATE OF HAWAII

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KRISHNA NARAYAN; SHERRIE NARAYAN; VIRENDRA NATH;  
NANCY MAKOWSKI; KEITH MACDONALD AS CO-TRUSTEE FOR THE  
DKM TRUST DATED OCTOBER 7, 2011; SIMON YOO; SUMIYO SAKAGUCHI;  
SUSAN RENTON, AS TRUSTEE FOR THE RENTON FAMILY TRUST  
DATED 12/3/09; STEPHEN XIANG PANG; FAYE WU LIU; MASSY MEHDIPOUR  
AS TRUSTEE FOR MASSY MEHDIPOUR TRUST DATED JUNE 21, 2006;  
G. NICHOLAS SMITH; TRISTINE SMITH; RITZ 1303 RE, LLC, a Colorado  
Limited Liability Company; and BRADLEY CHAFFEE AS TRUSTEE OF THE  
CHARLES V. CHAFFEE BRC STOCK TRUST DATED 12/1/99  
AND THE CLIFFORD W. CHAFFEE BRC STOCK TRUST DATED 1/4/98,  
Petitioners/Plaintiffs-Appellees,

vs.

THE RITZ-CARLTON DEVELOPMENT COMPANY, INC.;  
THE RITZ-CARLTON MANAGEMENT COMPANY, LLC; JOHN ALBERT; EDGAR GUM,  
Respondents/Defendants-Appellants,

and

MARRIOTT INTERNATIONAL INC.; MAUI LAND & PINEAPPLE CO., INC.;  
EXCLUSIVE RESORTS, LLC; KAPALUA BAY, LLC;  
ASSOCIATION OF APARTMENT OWNERS OF KAPALUA BAY CONDOMINIUM;  
CAROLINE PETERS BELSOM; CATHY ROSS; ROBERT PARSONS;  
RYAN CHURCHILL; THE RITZ-CARLTON HOTEL COMPANY, L.L.C.;  
MARRIOTT VACATIONS WORDWIDE, CORPORATION; MARRIOTT OWNERSHIP  
RESORTS, INC.; MARRIOTT TWO FLAGS, LP; MH KAPALUA VENTURE, LLC;  
MLP KB PARTNER LLC; KAPALUA BAY HOLDINGS, LLC; ER KAPALUA  
INVESTORS FUND, LLC; ER KAPALUA INVESTORS FUND HOLDINGS, LLC;  
EXCLUSIVE RESORTS DEVELOPMENT COMPANY, LLC; and EXCLUSIVE RESORTS  
CLUB I HOLDINGS, LLC, Respondents/Defendants.

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CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(CAAP-12-0000819; CIV. NO. 12-1-0586(3))

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

Petitioners/Plaintiffs-Appellees' Application for Writ of Certiorari, filed on December 26, 2013, is hereby accepted and will be scheduled for oral argument. The parties will be notified by the appellate clerk regarding scheduling.

DATED: Honolulu, Hawai'i, January 30, 2014.

Terence J. O'Toole, /s/ Mark E. Recktenwald  
Judith Ann Pavey, and  
Andrew J. Lautenbach /s/ Paula A. Nakayama  
for petitioners

Bert T. Kobayashi, Jr., /s/ Sabrina S. McKenna  
Lex R. Smith, Joseph A. /s/ Richard W. Pollack  
Stewart and Maria Y. Wang  
for respondents The Ritz- /s/ Karen T. Nakasone  
Carlton Development Company,  
Inc., The Ritz-Carlton  
Management Company, LLC,  
John Albert and Edgar Gum  
and respondents Marriott  
International, Inc., The  
Ritz-Carlton Hotel Company,  
LLC, Marriott Two Flags, LP,  
Marriott Ownership Resorts,  
Inc., MH Kapalua Venture,  
LLC, and Marriott Vacations  
Worldwide Corporation

