

**Electronically Filed  
Supreme Court  
SCWC-29827  
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NO. SCWC-29827

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

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In the Matter of the Arbitration between  
ASSOCIATION OF APARTMENT OWNERS OF INTERNATIONAL COLONY CLUB,  
Respondent/Petitioner-Appellee,

vs.

DAN DEIGERT and EDITH DEIGERT, Individually and as Trustee of the  
Edith M. Deigert Revocable Living Trust dated April 22, 2006,  
Petitioners/Respondents-Appellants.

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CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(ICA NO. 29827; SP. NO. 09-1-0011(3))

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI  
(By: Recktenwald, C.J., Nakayama, Acoba, and McKenna, JJ.,  
and Circuit Judge Crandall, assigned by reason of vacancy)

The application filed on May 10, 2012 by  
Petitioners/Respondents-Appellants Dan Deigert and Edith Deigert,  
Individually and as Trustee of the Edith M. Deigert Revocable  
Living Trust dated April 22, 2006, was filed more than thirty  
days after the filing of the February 10, 2012 judgment on appeal  
filed by the Intermediate Court of Appeals. The application is  
untimely and thus, this court lacks appellate jurisdiction. See  
HRS § 602-59(c) (Supp. 2011); HRAP Rule 40.1(a). Therefore,

IT IS HEREBY ORDERED that the application for writ of certiorari is dismissed.

DATED: Honolulu, Hawai'i, June 20, 2012.

Charles H. Brower,  
for petitioner

/s/ Mark E. Recktenwald

John P. Manaut, and  
Lindsay N. McAneeley,  
(Carlsmith Ball LLP)  
for respondent  
(on Affirmative Claims)

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

Jonathan L. Ortiz, and  
Wade J. Katano  
(Ortiz & Katano),  
for respondent  
(on Defense Claims)

/s/ Virginia L. Crandall

