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Supreme Court
SCWC-30096
22-NOV-2011
09:45 AM

NO. SCWC-30096

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

DAVID L. WOODARD, Petitioner/Plaintiff-Appellant,

vs.

EDWARD TABANARA and CITY AND COUNTY OF HONOLULU,
Respondents/Defendants-Appellees.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(ICA NO. 30096; CIV. NO. 08-1-0132)

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI
(By: Recktenwald, C.J., Nakayama, Acoba, Duffy, JJ., and Circuit
Judge To'oto'o, in place of McKenna, J., recused)

Petitioner/Plaintiff-Appellant David L. Woodard's application for writ of certiorari, filed on October 12, 2011, was filed more than ninety days after the filing of the ICA's July 13, 2011 judgment on appeal. The application is untimely and thus, this court lacks appellate jurisdiction. See HRS § 602-59(c) (Supp. 2010); HRAP Rule 40.1(a). Therefore,

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

DATED: Honolulu, Hawai'i, November 22, 2011.

Walter R. Schoettle on
the application and reply
for petitioner/plaintiff-
appellant.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

Tracy S. Fukui on the
response for respondents/
defendants-appellees.

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Fa'auuga To'oto'o

