

**Electronically Filed  
Supreme Court  
SCWC-17-0000570  
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SCWC-17-0000570

IN THE SUPREME COURT OF THE STATE OF HAWAII

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SHAUN WRIGHT and ANNELL WRIGHT,  
Respondents/Plaintiffs-Appellees,

vs.

MIYAKE CONCRETE ACCESSORIES, INC.,  
Petitioner/Defendant-Appellant,

and

MIYAKE CONCRETE ACCESSORIES, INC.,  
Third-Party Plaintiff-Appellant,

vs.

SAMUEL S. KIYABU, dba KIYABU CONSTRUCTION, INC., SANDPIPER  
CONSTRUCTION, INC., a Hawai'i corporation, DESPINS GENERAL  
CONSTRUCTION, INC., a Hawai'i corporation, BRIAN SHIMOMURA and  
BRIAN SHIMOMURA & ASSOCIATES, LLC, a Hawai'i Limited Liability  
Company, Respondents/Third-Party Defendants-Appellees.  
(CIVIL NO. 09-1-0748(3))

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DESPINS GENERAL CONSTRUCTION, INC.,  
Respondent/Plaintiff-Appellee/Counter-Defendant-Appellee,

vs.

SHAUN WRIGHT and ANNELL WRIGHT,  
Respondents/Defendants-Counter-Claimants-Appellees,  
(CIVIL NO. 10-1-0191(3))

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MIYAKE CONCRETE ACCESSORIES, INC., a Hawai'i corporation,  
Petitioner/Plaintiff-Appellant,

vs.

BRIAN SHIMOMURA and BRIAN SHIMOMURA &  
ASSOCIATES, LLC, a Hawai'i Limited Liability Company,  
Respondents/Defendants-Appellees.  
(CIVIL NO. 11-1-0153(1))

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CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(CAAP-17-0000098 and CAAP-17-0000570)

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI  
(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

It appearing that there is no judgment on appeal or dismissal order filed in the above-referenced matter, see Hawai'i Revised Statutes § 602-59(a) (Supp. 2013); see also Hawai'i Rules of Appellate Procedure (HRAP) Rule 36(b)(1) (2012),

IT IS HEREBY ORDERED that Petitioner/Plaintiff-Appellant's application for writ of certiorari, filed on December 18, 2017, is dismissed without prejudice to re-filing the application pursuant to HRAP Rule 40.1(a) (2014). ("The application shall be filed within thirty days after the filing of the intermediate court of appeals' judgment on appeal or dismissal order, unless the time for filing the application is extended in accordance with this rule.").

DATED: Honolulu, Hawai'i, December 29, 2017.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

