

NO. 22192

IN THE SUPREME COURT OF THE STATE OF HAWAII

NANCY Y. OTANI, as the heir and legal representative of the
estates of FLORENCE T. TOYOSHIBA and RICHARD HIDEO
TOYOSHIBA, Plaintiff-Appellant

v.

GLADYS YOSHIMURA and EMOGENE YOSHIMURA, Defendants-Appellees

and

CEDRIC C. CHUN; DEAN WITTER REYNOLDS, INC., et al., Defendants

APPEAL FROM FIRST CIRCUIT COURT
(CIVIL NO. 95-0232)

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, Nakayama, Ramil, and Acoba, JJ.)

Plaintiff-appellant Nancy Otani, as the heir and legal representative of the estates of Florence and Richard Toyoshiba, ("Otani") appeals from the final judgment in favor of defendants Gladys and Emogene Yoshimura (collectively "the Yoshimuras"). Otani filed the underlying complaint seeking the recovery of certain shares of Gannett Corporation stock which she alleged the Yoshimuras wrongfully acquired from Florence Toyoshiba.

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

IT IS HEREBY ORDERED that the circuit court's judgment is affirmed in part and vacated in part for the following reasons: 1) the judgment is affirmed insofar as it decided that Otani did not have standing in the instant case because she did

not suffer an actual or threatened injury; Akinaka v. Disciplinary Bd. of Hawai'i Supreme Court, 91 Hawai'i 51, 55, 979 P.2d 1077, 1081 (1999); and 2) it is vacated insofar as it addressed the merits of Otani's case after it had correctly determined she did not have standing.

DATED: Honolulu, Hawai'i, October 23, 2000.

On the briefs:

Lorrin B. Hirano, Keith M.
Yonamine and Shirley M.
Kawamura of Ashford & Wriston
for plaintiff-appellant

John M. Cregor, Jr. and
Howard T. Chang for
defendants-appellees