

NO. 23085

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

GOLD COAST INVESTMENT COMPANY, a Hawai'i
Limited Partnership, Plaintiff-Appellee

vs.

STRIVE ISLAND INVESTMENTS, INC.,
a Hawai'i corporation, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD
CIRCUIT, NORTH AND SOUTH KONA DIVISION
(CIV. NO. 97-142)

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

Upon review of the record, it appears that the filing of the petition for bankruptcy by defendant Strive Island Investments on May 27, 1997 operated as a stay of the continuation of Civil No. 97-142. See 11 U.S.C. § 362. The stay was in effect until the closure of the bankruptcy case, which apparently occurred on December 27, 1999. No order lifting or terminating the bankruptcy stay appears in the record of Civil No. 97-142. The stay was not lifted by any provision of the March 13, 1998 bankruptcy court stipulation. The judgment for possession entered in Civil No. 97-142 on December 8, 1999, the Honorable Joseph P. Florendo, Jr., presiding, was entered while the bankruptcy stay was in effect. Thus, the December 8, 1999 judgment for possession is invalid. Cf. Island Ins. Co., Inc. v. Santos, 86 Hawai'i 363, 366, 949 P.2d 203, 206 (App. 1997).
Therefore,

IT IS HEREBY ORDERED that the appeal of the December 8,
1999 judgment is dismissed.

DATED: Honolulu, Hawai'i, July 5, 2001.