

NO. 24458

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

WILLIAM K. TAKAKI, JANINA TAKAKI,
BILLIE K. TAKAKI, Plaintiffs-Appellees

vs.

GEORGE E. CAMBRA, Defendant-Appellant

and

JOSEPH P. TAVARES, GEORGE L. CAMBRA, VIRGINIA N. CAMBRA,
GEORGE CAMBRA'S MOVIE PRODUCTION TRUCKS, INC.,
SHAFTER PAWN, INC., and JOHN and MARY DOES 1-10,
DOE CORPORATIONS, PARTNERSHOPS, or OTHER ENTITIES 1-10,
Defendants

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 99-2594)

ORDER DENYING MOTION FOR RECONSIDERATION
AND FOR DISMISSAL OF APPEAL
(By: Moon, C.J., Levinson,
Nakayama, Ramil, and Acoba, JJ.)

Upon consideration of appellees' motion for reconsideration of the September 12, 2002 order directing appellees to file their answering brief and motion for dismissal of appeal, the papers in support and the record, it appears that the continuation of this appeal is not prohibited by 11 U.S.C. § 524(a)(2) inasmuch as this appeal is not an action by appellees to collect a debt from appellant, but is an action by appellant to vacate a debt. It further appears that the automatic stay provision of 11 U.S.C. § 362(a)(1) applied only to Bankruptcy Case No. 02-01641 filed pursuant to 11 U.S.C. § 301 by debtor

George Cambra, Sr. and does not apply to Adversary Proceeding No. 02-0049 filed pursuant to FRBP 7003 by plaintiffs William Takaki, Janina Takaki and Billy Takaki, which is a civil action separate and distinct from Cambra's bankruptcy code case.

Therefore,

IT IS HEREBY ORDERED that the motion for reconsideration of the September 12, 2002 order and for dismissal of appeal is denied.

DATED: Honolulu, Hawai'i, October 15, 2002.

Leslie S. Fukumoto
for plaintiffs-appellees
on the motion.