

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

NO. 28179

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

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FILED

BEECHER LIMITED, Plaintiff-Appellant, v. ALVAREZ & MARSAL NORTH AMERICA, LLC, Liquidating Trustee of the Azabu Liquidating Trust Dated July 10, 2007,¹ Defendant-Appellee, and WAIKIKI FIRST FINANCE CORP.; WAIKIKI SF CORPORATION; AZABU U.S.A. CORPORATION; THE CHUO MITSUI TRUST AND BANKING COMPANY, LIMITED; HYATT CORPORATION; and DEFENDANTS DOES 1-100, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(Civ. No. 04-1-1347)

SUMMARY DISPOSITION ORDER

(By: Watanabe, Presiding J., Foley, and Nakamura, JJ.)

In this action to foreclose on the Hyatt Regency Waikiki Resort & Spa Hotel and collect on a judgment that had been entered in Japan against Defendant-Appellee Azabu Buildings Co., Ltd., now Alvarez & Marsal North America, LLC, Liquidating Trustee of the Azabu Liquidating Trust Dated July 10, 2007,² (Azabu Buildings) in 1993 and registered in Hawai'i as a Foreign Judgment pursuant to the Uniform Foreign Money-Judgments Recognition Act, Plaintiff-Appellant Beecher Limited (Beecher) appeals from the "Order Granting Defendant [Azabu Buildings'] Motion to Expunge *Lis Pendens* and to Strike and Expunge 1993 Judgment Filed on July 31, 2006" (the Expungement Order), entered

¹ On November 5, 2007, this court approved the motion filed by Azabu Buildings Co., Ltd. and Azabu U.S.A. Corporation to substitute Alvarez & Marsal North America, LLC, Liquidating Trustee of the Azabu Liquidating Trust Dated July 10, 2007, for Azabu Buildings Co., Ltd. as a Defendant-Appellee.

² See footnote 1.

by the Circuit Court of the First Circuit (the circuit court)³ on December 6, 2006.

The circuit court entered the Expungement Order following its entry, on June 23, 2006, of a Final Judgment of Dismissal in favor of Defendants-Appellees Azabu Buildings, Azabu U.S.A. Corporation, Waikiki First Finance Corp., and Waikiki SF Corporation (collectively, Appellees) on all counts of the First Amended Complaint, and dismissing Defendants The Chuo Mitsui Trust and Banking Company, Limited and Hyatt Corporation from the case without prejudice.

Beecher contends that the circuit court erred in entering the Expungement Order. In light of our memorandum opinion in Beecher Limited v. Alvarez & Marsal North America, LLC, slip. op. (Hawai'i App. No. 28011, Mar. 7, 2008), affirming the Final Judgment of Dismissal entered by the circuit court, we disagree with Beecher. Accordingly, the Expungement Order is affirmed.

DATED: Honolulu, Hawai'i, March 7, 2008.

On the briefs:

James N. Duca (Lyons Brandt Cook & Hiramatsu) (Cori Ann C. Takamiya, of Kessner Umebayashi Bain & Matsunaga, with him on the opening brief) and Bruce Bennett (admitted *pro hac vice*), Sidney P. Levinson (admitted *pro hac vice*), and Michael J. Heyman (admitted *pro hac vice*) (Hennigan, Bennett & Dorman LLP) for plaintiff-appellant.

Corinne K.A. Watanabe
Daniel P. Foley
Craig H. Nakamura

³ The Honorable Karen N. Blondin presided.

James T. Paul, Corey Y.S. Park,
Sheryl L. Nicholson, and Judy A.
Tanaka (Paul Johnson Park & Niles)
for defendants-appellees Alvarez &
Marsal North America, LLC (formerly,
Azabu Buildings Co., Ltd.), and
Azabu U.S.A. Corporation.

James A. Wagner, Chuck C. Choi
(Wagner Choi & Evers) for
defendant-appellee Alvarez &
Marsal North America, LLC (formerly,
Azabu Buildings Co., Ltd.).

Paul Alston, Neil F. Hulbert,
Thomas E. Bush, Tina L. Colman
(Alston Hunt Floyd & Ing) for
defendants-appellees Waikiki
First Finance Corp. and Waikiki
SF Corporation.