

NO. 28331

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAI'I

K. HAMAKADO  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

2008 MAY -9 AM 9:38

FILED

JAMES KOKUALANI, Plaintiff-Appellee,  
v.  
THE WAY OF SALVATION CHURCH, Defendant-Appellant,  
and  
JOHN DOES 1-50; JANE DOES 1-50; DOE PARTNERSHIPS 1-50;  
DOE CORPORATIONS 1-50; DOE ENTITIES 1-50; AND  
DOE GOVERNMENTAL UNITS 1-50, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CV. NO. 06-1-0642)

ORDER DENYING APPELLANT'S MOTION

(By: Recktenwald, C.J., Nakamura and Fujise, JJ.)

Upon consideration of Appellant's Motion: (1) for Reconsideration of Order Granting Second Motion to Expunge Defendant-Appellant The Way of Salvation Church's Notice of Pendency of Action; and (2) for an Emergency Stay Until the Motion Can Be Decided and/Or for the Duration of the Appeal Addressed to the Panel or to Any Individual member of the Intermediate Court of Appeals filed by Defendant-Appellant The Way of Salvation Church (Appellant), the papers in support and opposition, and the records and files herein, it appears that: (1) Appellant fails to show that the court overlooked or misapprehended any points of law or fact; (2) Appellant fails to show why it was not practicable to file the motion for stay in the court appealed from in the first instance as provided by Rule 8 of the Hawai'i Rules of Appellate Procedure (HRAP). Therefore,

IT IS HEREBY ORDERED that:

1. The motion for reconsideration is denied.
2. The motion for an emergency stay until the motion for reconsideration can be decided is denied.

3. The motion for stay for the duration of the appeal is denied without prejudice to Appellant filing a motion for stay in the court appealed from in accordance with HRAP Rule 8.

DATED: Honolulu, Hawai'i, May 9, 2008.



Chief Judge



Associate Judge



Associate Judge