

NO. 26061

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

VILLAGE PARK COMMUNITY ASSOCIATION,
Respondent/Plaintiff-Appellee, Cross-Appellant

vs.

STEVEN NISHIMURA and ELIZABETH NISHIMURA,
Petitioners/Defendants-Appellants, Cross-Appellees

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CIV. NO. 01-1-2274)

ORDER DISMISSING CERTIORARI PROCEEDING

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

Upon further consideration of the records and files in
this case, and it appearing that the writ of certiorari herein
was improvidently granted,

IT IS HEREBY ORDERED that this certiorari proceeding is
dismissed.

DATED: Honolulu, Hawai'i, November 10, 2005.

EMERSON
CIRK. APPELLATE COURTS
STATE OF HAWAII

2005 NOV 10 PM 1:55

FILED