

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

ALTHIA VIDINHA, Respondent-Appellant,

and

WARREN VIDINHA, et al., Plaintiffs,

vs.

CLYDE T. MIYAKI, M.D. and SHARON LAWLER, M.D.
Petitioners-Appellees,

and

THE QUEEN'S MEDICAL CENTER, et al., Defendants.

K. HANAKA'DO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2006 NOV -9 AM 8:16

FILED

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CIV. NO. 01-1-1477)

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI
WITHOUT PREJUDICE

(By: Moon, C.J., for the court¹)

It appearing that the judgment on appeal in the above-referenced matter has not been entered by the Intermediate Court of Appeals, see Hawai'i Revised Statutes § 602-59(a), as amended by Act 149 of the 2006 Hawai'i Session Laws; see also Hawai'i Rules of Appellate Procedure (HRAP) Rule 36(b)(1) (2006),

IT IS HEREBY ORDERED that petitioners-appellees Clyde T. Miyaki, M.D., and Sharon Lawler, M.D.'s application for writ of certiorari, filed November 8, 2006, is dismissed without

¹ Court: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.

prejudice to re-filing the application pursuant to HRAP Rule 40.1(a) ("No later than 90 days after the filing of the intermediate court of appeals' judgment on appeal or dismissal order, any party may apply in writing to the supreme court for a writ of certiorari.").

DATED: Honolulu, Hawai'i, November 9, 2006.

George W. Playdon, Jr.,
Kelvin H. Kaneshiro, and
R. Aaron Creps (of Reinwald
O'Connor & Playdon), for
petitioners-appellees

FOR THE COURT:


Chief Justice

