

NO. 24392

IN THE SUPREME COURT OF THE STATE OF HAWAII

K. HAMAKAHO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2009 SEP -3 AM 10:19

FILED

STATE OF HAWAII, by its Office of Consumer Protection,
Respondent/Plaintiff-Appellee,

vs.

METRO CLUB, INC., a foreign corporation, and DAVID A. KERSH,
individually and as an officer of METRO CLUB, INC.,
Defendants-Appellants,

and

METRO CLUB, INC., a Michigan corporation, Defendant and
Third-Party Plaintiff-Appellant; and DAVID A. KERSH,
Petitioner/Defendant and Third-Party Plaintiff-Appellant,

vs.

INTERNATIONAL KITCHENS, a Hawaii corporation,
WYMT, INC., dba FOGCUTTER RESTAURANT, a Hawaii corporation,
TRATTORIA, C&W CORPORATION, dba KING TSIN, a Hawaii
corporation, CHURCH'S FRIED CHICKEN, INC., a Texas
corporation, GANNETT PACIFIC CORPORATION,
dba HONOLULU STAR-BULLETIN, a foreign corporation,
BETTER BUSINESS BUREAU OF HAWAII, INC., a Hawaii corporation,
Respondents/Third-Party Defendants-Appellees.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CIV. NO. 00-0-63668)

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI
AND DENYING MOTION TO CONSOLIDATE
(By: Moon, C.J., for the court¹)

Petitioner/defendant and third-party plaintiff-
appellant David A. Kersh's application for writ of certiorari,

¹ Considered by: Moon, C.J., Nakayama, Acoba, and Duffy, JJ. and Circuit
Judge Trader, in place of Recktenwald, J., recused.

filed on August 5, 2009, seeks review of the June 17, 2009 and June 30, 2009 orders of the intermediate court of appeals. The June 17, 2009 and June 30, 2009 orders are post-judgment on appeal orders that are not reviewable by application for writ of certiorari. See HRS § 602-59(b) (Supp. 2008). Therefore, petitioner's application for writ of certiorari, filed on August 5, 2009, is dismissed. Petitioner's motion to consolidate No. 24392 with No. 29494, filed on August 5, 2009, is denied.

DATED: Honolulu, Hawai'i, September 3, 2009.

FOR THE COURT:


Chief Justice

