

NO. 29317

IN THE SUPREME COURT OF THE STATE OF HAWAII

CLERK, APPELLATE COURTS  
STATE OF HAWAII  
NORMA K. KAMAKAHO

2009 JUN - 8 PM 3:41

FILED

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PACIFIC MORTGAGE INVESTORS, LLC, Respondent-Plaintiff/  
Counterclaim Defendant-Appellee,

vs.

THOMAS MOSES JOHNSON, III, also known as  
Thomas M. Johnson, III, Petitioner-Defendant/  
Cross-Claim Defendant-Appellant,

and

FIRST HAWAIIAN BANK, Respondent-Defendant/Counterclaim  
Plaintiff-Appellee,

and

BANK OF HAWAII, Respondent-Defendant-Appellee,

and

JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10;  
DOE CORPORATIONS 1-10; DOE ENTITIES 1-10; and  
DOE GOVERNMENTAL UNITS 1-10, Defendants,

and

JOHN DOES 6-20; JANE DOES 6-20; DOE PARTNERSHIPS 6-20;  
DOE CORPORATIONS 6-20; DOE "NON-PROFIT" CORPORATIONS 6-20;  
and DOE GOVERNMENTAL UNITS 6-20; Additional Cross-Claim  
Defendants,

and

COLONY SURF, LTD.; COLONY SURF ASSOCIATION OF APARTMENT  
OWNERS, Respondent-Defendant Doe Corporation 1 and  
Doe Entity 1-Appellees.

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CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(CIV. NO. 07-1-1893)

ORDER DISMISSING APPEAL AS MOOT

(By: Moon, C.J., Nakayama, Acoba, and Duffy, JJ., and  
Circuit Judge Town, assigned by reason of vacancy)

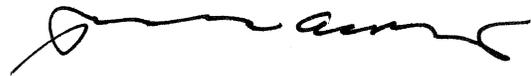
Petitioner-defendant/cross-claim defendant-appellant  
Thomas Moses Johnson, III, having failed to show good cause as to  
why this appeal should not be dismissed,

IT IS HEREBY ORDERED that the above-captioned appeal is  
dismissed as moot inasmuch as this court is unable to grant  
effective relief. See City Bank v. Saje Ventures II, 7 Haw. App.  
130, 133, 748 P.2d 812, 814 (App. 1988) (holding that right of a  
good faith purchaser to receive property acquired at a judicial  
sale cannot be affected by reversal of order ratifying the sale  
where supersedeas bond has not been filed) (citing United States  
v. Oregon, 718 F.2d 299, 302 (9th Cir. 1983); Hurley v. Deutsche  
Bank Trust Co. Americas, 2009 WL 701006 (W.D. Mich. 2009)  
(recognizing that 50 App. U.S.C. § 521(h) provides that court  
action shall not impair a right or title acquired by a bona fide  
purchaser for value).

DATED: Honolulu, Hawai'i, June 8, 2009.



Kamea E. Duffy, Jr.



Kamea E. Duffy, Jr.

