

NO. 30199

IN THE SUPREME COURT OF THE STATE OF HAWAII

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IN RE JEROME K. MULLER

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ORIGINAL PROCEEDING

ORDER DENYING PETITION TO RESIGN AND SURRENDER LICENSE

(By: Nakayama, J, for the court<sup>1</sup>)

Upon consideration of Petitioner Jerome K. Muller's Petition to Resign and Surrender License, the attached affidavits, and the lack of objections by the Office of Disciplinary Counsel, it appears that the petition does not comply with the requirements of Rule 1.10(d) of the Rules of the Supreme Court of the State of Hawai'i (RSCH). Petitioner Muller's petition does not contain a certificate of service indicating the petition was served, and the date the petition was served upon Disciplinary Counsel, the Hawai'i State Bar Association, and the Lawyers' Fund for Client Protection. As a result, it cannot be determined (1) whether the petition was served in accordance with RSCH 1.10(d), and (2) whether the petition was served at or before the time the petition was filed with the Clerk, as required by RSCH 1.10(d). Therefore,

IT IS HEREBY ORDERED that the petition is denied without prejudice to the filing of a motion for reconsideration and a certificate showing service of the petition. The motion for reconsideration and the certificate of service shall be filed within ten (10) days after the filing of this order.

DATED: Honolulu, Hawai'i, December 9, 2009.

FOR THE COURT:

Associate Justice

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<sup>1</sup>Considered by: Moon, C.J., Nakayama, Acoba, Duffy, and Recktenwald, JJ.