

SUPREME COURT OF THE STATE OF HAWAII

Villon v. Marriott Hotel Services, Inc.; Rodriguez v. Starwood Hotels & Resorts Worldwide, Inc.

No. SCCQ-11-0000747, Supreme Court of the State of Hawai'i (November 8, 2011)

SUMMARY

The Hawai'i Supreme Court issued an order in an original proceeding arising from certified questions submitted by the United States District Court for the District of Hawai'i. The court determined that only question one was presently amenable to certification and established filing, record-transmission, briefing, and party-designation requirements for the Villon/Apana and Rodriguez/Basler plaintiffs and the Marriott and Starwood defendants.

CASE DETAILS

COURT	Supreme Court of the State of Hawai'i
WRITING FOR THE COURT	Mark E. Recktenwald, C.J.; Paula A. Nakayama, J.; Simeon R. Acoba, Jr., J.; James E. Duffy, Jr., J.; Sabrina S. McKenna, J.
JURISDICTION	Hawaii
DECIDED	November 8, 2011
DOCKET	SCCQ-11-0000747
DISPOSITION	other
PROCEDURAL POSTURE	Original proceeding in the Hawai'i Supreme Court arising from certified questions submitted by the United States District Court for the District of Hawai'i.
PRECEDENTIAL VALUE	Published procedural order addressing certification of questions to the Hawai'i Supreme Court.
PARTIES	Bert Villon, Mark Apana, Reneldo Rodriguez, Johnson Basler v. Marriott Hotel Services, Inc., dba Wailea Marriott Resort, Starwood Hotels & Resorts Worldwide, Inc., dba Westin Maui Resort & Spa

TOPICS

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PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the certified questions submitted by the United States District Court for the District of Hawai'i were amenable to answer under Hawai'i Rules of Appellate Procedure Rule 13.
2. Whether the Hawai'i Supreme Court should accept and proceed with question #1 while declining to address questions #2 and #3.

HOLDINGS

1. Only certified question #1 appeared amenable to answer under HRAP Rule 13; questions #2 and #3 did not satisfy the certification requirements identified in the federal court's order.
2. The plaintiffs were designated appellants and the defendants appellees for purposes of the original proceeding, and the parties were required to transmit the federal records and proceed with briefing under the applicable Hawai'i appellate rules.

KEY QUOTATIONS

“it appears that question #1 -- and only that question -- is amenable to answer by this court pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 13” (at 1)

“without conclusively determining whether this court will answer question #1” (at 1)

FACTUAL BACKGROUND

The plaintiffs in two related federal actions, involving Marriott and Starwood hotels, sought resolution of certified questions of Hawai'i law. The federal district court transmitted three questions to the Hawai'i Supreme Court, identifying only question #1 as satisfying the certification criteria under HRAP Rule 13. The Hawai'i Supreme Court's order addressed only the procedural propriety of the certification and the steps necessary to prepare the matter for possible consideration.

PROCEDURAL HISTORY

The United States District Court for the District of Hawai'i issued an October 11, 2011 order requesting answers to three certified questions concerning Hawai'i law. The Hawai'i Supreme Court determined that only question #1 appeared amenable to certification under Hawai'i Rules of Appellate Procedure Rule 13 because the federal court certified that question as determinative of the plaintiffs' cause and lacking clear controlling Hawai'i precedent. The court entered procedural orders governing designation of parties, transmission of the federal records, filing fees, and briefing, without conclusively deciding whether it would ultimately answer question #1.

DISPOSITION

other

