

SUPREME COURT OF THE STATE OF HAWAI‘I

Fung v. Hoi

Fung · No. SCWC-XX-XXXXXXX · Decided May 20, 2026

SUMMARY

The Supreme Court of the State of Hawai‘i dismissed Petitioners’ motion seeking clarification or, alternatively, recall of the order denying certiorari. The court construed the filing as a motion for reconsideration and held that such a motion is barred by Hawai‘i Rules of Appellate Procedure Rule 40.1(h); it also denied Respondent’s request for attorney fees and costs.

CASE DETAILS

COURT	Supreme Court of the State of Hawai‘i
WRITING FOR THE COURT	Vladimir P. Devens, C.J.; Sabrina S. McKenna, J.; Todd W. Eddins, J.; Lisa M. Ginoza, J.; Jeannette H. Castagnetti, Circuit Judge, assigned by reason of vacancy
JURISDICTION	Supreme Court of the State of Hawai‘i
DECIDED	May 20, 2026
DOCKET	SCWC-XX-XXXXXXX
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioners moved for clarification or, alternatively, recall of the Hawai‘i Supreme Court's order rejecting certiorari. The court construed the motion as a motion for reconsideration and dismissed it.
PRECEDENTIAL VALUE	Published
PARTIES	Wei Ling Fung, Fugang Xia aka Summer v. Wa Cham Hoi

TOPICS

- writ of certiorari
- motion for reconsideration
- appellate procedure
- attorney fees
- costs

PRACTICE AREAS

- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether a motion seeking clarification or recall of the Supreme Court's rejection of an application for a writ of certiorari may be treated as a motion for reconsideration and considered by the court.
2. Whether Respondent was entitled to attorney fees and costs.

HOLDINGS

1. A rejection of an application for a writ of certiorari is not subject to a motion for reconsideration in the Hawai‘i Supreme Court and is final; the court therefore dismissed Petitioners' motion.
2. Respondent's request for attorney fees and costs was denied.

KEY QUOTATIONS

“Neither acceptance nor rejection of an application for a writ of certiorari shall be subject to a motion for reconsideration in the supreme court. The rejection of an application for certiorari shall be final.” (2)

FACTUAL BACKGROUND

The opinion concerns a post-disposition motion filed after the Hawai‘i Supreme Court rejected an application for a writ of certiorari. The motion was styled as one for clarification or, alternatively, recall of the rejection order. The record also included Respondent's opposition and a request for attorney fees and costs.

PROCEDURAL HISTORY

The matter was before the Hawai‘i Supreme Court on certiorari to the Intermediate Court of Appeals. The Supreme Court had rejected the application for a writ of certiorari on April 20, 2026. Petitioners then filed a motion seeking clarification or recall of that order, which the court dismissed; the court also denied Respondent's request for attorney fees and costs.

DISPOSITION

dismissed

OPINION

Fung v. Hoi

PER CURIAM.

Electronically Filed Supreme Court

SCWC-XX-XXXXXXX

20-MAY-2026

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SCWC-XX-XXXXXXX

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

WEI LING FUNG,

Petitioner/Plaintiff/Counterclaim Defendant-Appellant, vs.

WA CHAM HOI,

Respondent/Defendant/Counterclaimant/ Third-Party Plaintiff-Appellee, and FUGANG XIA aka SUMMER, Petitioner/Third-Party Defendant-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS

(CAAP-XX-XXXXXXX; CASE. NO. 1DRC-XX-XXXXXXX)

ORDER DISMISSING MOTION

(By: Devens, C.J., McKenna, Eddins, and Ginoza, JJ., and Circuit Judge Castagnetti, assigned by reason of vacancy) Upon consideration of Petitioners' "Motion for Clarification or, in the Alternative, Recall of Order Denying Certiorari," which we construe as a motion for reconsideration of the order rejecting certiorari filed on April 20, 2026, Respondent's opposition, and the record herein, It is ordered that the Motion is dismissed. See Hawai'i Rules of Appellate Procedure Rule 40.1(h) ("Neither acceptance nor rejection of an application for a writ of certiorari shall be subject to a motion for reconsideration in the supreme court. The rejection of an application for certiorari shall be final."). It is further ordered that Respondent's request for attorney fees and costs is denied. DATED: Honolulu, Hawai'i, May 20, 2026. /s/ Vladimir P. Devens /s/ Sabrina S. McKenna /s/ Todd W. Eddins /s/ Lisa M. Ginoza /s/ Jeannette H. Castagnetti

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