

SUPREME COURT OF THE STATE OF HAWAI‘I

Fung v. Hoi

No. SCWC-23-0000347, Supreme Court of the State of Hawai‘i (February 4, 2026)

SUMMARY

The Supreme Court of Hawai‘i dismissed without prejudice the petitioners’ application for a writ of certiorari. The court concluded that the Intermediate Court of Appeals had not filed its judgment on appeal when the application was filed and directed that any renewed application comply with Hawai‘i Rules of Appellate Procedure Rule 40.1(a).

OPINION

PER CURIAM.

Electronically Filed Supreme Court SCWC-XX-XXXXXXX 04-FEB-2026 09:09 AM Dkt. 6 ODSAC 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 APPLICATION FOR WRIT OF CERTIORARI (By: McKenna, Acting C.J., Eddins, Ginoza, and Devens, JJ., and Circuit Judge Castagnetti, assigned by reason of vacancy) It appearing that the judgment on appeal in the above-referenced matter not having been filed by the Intermediate Court of Appeals at the time the application for writ of certiorari was filed, see Hawai‘i Revised Statutes § 602-59(a) (2017); see also Hawai‘i Rules of Appellate Procedure (HRAP) Rule 36(b)(1) (2016), It is ordered that Petitioners’ application for writ of certiorari, filed February 2, 2026, is dismissed without prejudice to re-filing the application pursuant to HRAP Rule 40.1(a) (2023) (“The application shall be filed within thirty days after the filing of the intermediate court of appeals’ judgment on appeal or dismissal order, unless the time for filing the application is extended in accordance with this rule.”).

DATED: Honolulu, Hawai‘i, February 4, 2026. /s/ Sabrina S. McKenna /s/ Todd W. Eddins /s/ Lisa M. Ginoza /s/ Vladimir P. Devens /s/ Jeannette H. Castagnetti 2