

NO. CAAP-11-0000613

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAI'I

ARYN NAKAOKA, individually and  
on behalf of all others similarly situated,  
Plaintiff-Appellee/Cross-Appellant,  
v.  
HILTON HAWAIIAN VILLAGE, LLC, d.b.a.  
HILTON HAWAIIAN VILLAGE BEACH RESORT AND SPA;  
and DOE DEFENDANTS 1-50,  
Defendant-Appellant/Cross-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 04-1-1884)

ORDER APPROVING STIPULATION TO DISMISS APPEAL WITHOUT PREJUDICE  
(By: Reifurth, J., for the court<sup>1</sup>)

On January 27, 2012, this court dismissed Plaintiff-Appellee/Cross-Appellant, Aryn Nakaoka's ("Nakaoka"), cross-appeal on the grounds that the cross-appeal was untimely under Hawai'i Rules of Appellate Procedure Rule 4.1(b)(1) and 26.

On February 27, 2012, Nakaoka filed an application for writ of certiorari seeking review of the January 27, 2012 dismissal of the cross-appeal. On April 9, 2012, the supreme court accepted the application for writ of certiorari and entered an order affirming the dismissal of the cross-appeal, but on the grounds that the cross-appeal was premature.

On March 7, 2012, Nakaoka filed an application to transfer Defendant-Appellant/Cross-Appellee, Hilton Hawaiian Village, LLC, dba Hilton Hawaiian Village Beach Resort and Spa's

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Considered by Fujise, Presiding Judge, Leonard and Reifurth, JJ.

("HHV") appeal to the supreme court. On April 9, 2012, the supreme court denied the application to transfer because the judgment being appealed from is not an appealable final judgment.

On May 11, 2012 the parties filed a Stipulation to Dismiss Appeal Without Prejudice ("Stipulation") based upon the Supreme Court's April 9, 2012 Order Denying Application for Transfer.

Upon consideration of the Stipulation and the foregoing events, IT IS HEREBY ORDERED that the Stipulation is approved and the appeal is dismissed without prejudice.

DATED: Honolulu, Hawai'i, May 18, 2012.

Associate Judge