

NO. CAAP-12-0000484

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

SUSANNE M. LUNSFORD, Individually and as Personal  
Representative of the Estate of BRIAN F. McVEY, Deceased,  
Plaintiffs-Appellants,  
v.  
SURGICAL ASSOCIATES, INC., et al., Defendants-Appellees,  
and  
DOES 1-100, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 09-1-2310)

ORDER APPROVING THE NOVEMBER 9, 2012  
STIPULATION FOR PARTIAL DISMISSAL OF APPEAL  
WITH PREJUDICE AS TO DEFENDANT-APPELLEE JOSE A. GANEL, M.D.  
(By: Foley, Presiding Judge, Reifurth and Ginoza, JJ.)

Upon consideration of the stipulation for partial dismissal of the appeal (Stipulation) filed on November 9, 2012 by Plaintiff-Appellant Susanne M. Lunsford, Individually and as Personal Representative of the Estate of Brian F. McVey (Lunsford), and the records and files herein, it appears as follows:

(1) the Stipulation, signed by all parties appearing in the appeal seeks to dismiss the portion of the appeal related to Lunsford's appeal as to Defendant-Appellee Jose A. Ganel, M.D.

(Ganel), with Lunsford and Ganel to bear their own respective fees and costs with regard to the appeal against Ganel.

(2) the Stipulation also reflects that the portion of the appeal related to Lunsford's appeal as to Defendants-Appellees Surgical Associates, Inc., and Fong-Liang Fan, M.D. (Surgical Associates and Fan) remains. Therefore,

IT IS HEREBY ORDERED that:

1. The Stipulation is approved.
2. The portion of the appeal related to Lunsford's appeal as to Defendant-Appellee Jose A. Ganel, M.D. (Ganel) is dismissed with prejudice, with Lunsford and Ganel to bear their own respective fees and costs related thereto.
3. The portion of Lunsford's appeal as to Defendants-Appellees Surgical Associates and Fan remains on appeal.

DATED: Honolulu, Hawai'i, November 20, 2012.

Presiding Judge

Associate Judge

Associate Judge