

NO. CAAP-13-0000304

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

SUNSET HEIGHTS HAWAII, LLC, Plaintiff-Appellee,
v.
HAWAIIAN DREDGING CONSTRUCTION CO., INC., et al.,
Defendants-Appellees,
and
ALCAL/ARCADE CONTRACTING, INC., et al.,
Defendants/Third-Party Plaintiffs-Appellants,
v.
ASSOCIATION OF APARTMENT OWNERS OF KO'OLANI, INC., et al.,
Third-Party Defendants-Appellees
(CIVIL NO. 08-1-1350-07)

NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA
and CHARTIS SPECIALTY INSURANCE COMPANY, Plaintiffs-Appellees,
v.
SUNSET HEIGHTS HAWAII, LLC, et al.,
Defendants-Appellees
(CIVIL NO. 10-1-2184-10)

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT

ORDER GRANTING THE OCTOBER 29, 2013 MOTION TO DISMISS APPEAL
(By: Foley, Presiding Judge, Reifurth and Ginoza, JJ.)

Upon consideration of the motion to dismiss appeal
(Motion to Dismiss) filed on October 29, 2013, by Defendants-
Appellants Alcal/Arcade Contracting, Inc., All Pool & Spa, Inc.,
Associated Steel Workers, Ltd., Bruce Matson Company, Inc.,

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

Caulking Hawaii, Inc., Commercial Sheetmetal Co., Inc., Dorvin Leis, Inc., Group Builders, Inc., Island Flooring Company, Inc., Jayco Hawaii, Inc., Kalu Glass Company, Inc., Permasteelisa North America Corp., Specialty Surfacing Company, Hawaii, Inc., Swanson Steel Company, Inc., Takano Nakamura Landscaping, Inc., Wasa Electrical Services, Inc., WE Painting, Inc., and Wichert Tile, Ltd., (Defendants-Appellants), the papers in support, the records and files herein, and noting no opposition,¹

IT IS HEREBY ORDERED that the Motion to Dismiss is granted, and the appeal is dismissed, with the parties to bear their own fees and costs.

DATED: Honolulu, Hawai'i, November 22, 2013.

Presiding Judge

Associate Judge

Associate Judge

¹ Although Thyssenkrupp Elevator Corporation (Thyssenkrupp) appears as an Appellant within the title of the March 28, 2013 Notice of Appeal, as represented by counsel filing the Notice of Appeal, Appellant Thyssenkrupp was not included as a movant in the instant Motion to Dismiss. Nevertheless, Appellant Thyssenkrupp has filed no opposition to the instant Motion to Dismiss.