

NO. CAAP-13-0000395

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

DEL MONTE FRESH PRODUCE (HAWAII), INC.,
Plaintiff/Counterclaim Defendant-Appellant/Cross-Appellee,
v.
FIREMAN'S FUND INSURANCE COMPANY,
Defendant/Counterclaimant/Appellee/Cross-Appellant,
and
DEL MONTE FRESH PRODUCE COMPANY,
Counterclaim Defendant-Appellant/Cross-Appellee,
and
AMERICAN HOME ASSURANCE COMPANY, et al., Defendants
APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 97-3323-08)

ORDER APPROVING THE OCTOBER 1, 2013
STIPULATION FOR DISMISSAL OF APPEAL AND CROSS-APPEAL
(By: Nakamura, C.J., Leonard and Reifurth, JJ.)

Upon consideration of the Stipulation for Dismissal of Appeal and Cross-Appeal, filed October 1, 2013, by Defendant/Counterclaimant/Appellee/Cross-Appellant Fireman's Fund Insurance Company (Appellee), the papers in support, and the record, it appears that (1) the stipulation is dated and signed by counsel for all parties; (2) the parties seek dismissal of the

appeal and cross-appeal with prejudice, pursuant to Hawai'i Rules of Appellate Procedure Rule 42(b); and (3) the parties agree to bear their own costs and fees on appeal. Therefore,

IT IS HEREBY ORDERED that the stipulation to dismiss the appeal is approved and the appeal and cross-appeal are dismissed with prejudice. The parties shall bear their own appellate costs and fees.

DATED: Honolulu, Hawai'i, November 6, 2013.

Chief Judge

Associate Judge

Associate Judge