

NO. CAAP-11-0000659

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

ASSOCIATION OF APARTMENT OWNERS OF NA HALE O MAKENA,
Plaintiff/Counterclaim Defendant/Cross-claim Defendant/Appellee,
v.

DUFFY HERMAN, et al.,
Defendants/Counterclaimants/Cross-claim Defendants/Appellants,
and

COLLETTE M. DRYDEN, TRUSTEE OF THE FREDERICK W. DRYDEN TRUST,
Defendant/Counterclaimant/Cross-claimant/Appellee,
and

BANK OF AMERICA, et al.,
Defendants/Crossclaim Defendants/Appellees,
and

JOHN DOES 1-10; JANE DOES 1-10;
DOE CORPORATIONS 1-10; DOE PARTNERSHIPS 1-10;
DOE ENTITIES 1-10; DOE GOVERNMENTAL UNITS 1-10,
Defendants/Appellees

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CIVIL NO. 10-1-00607)

ORDER APPROVING THE STIPULATION
FOR DISMISSAL WITHOUT PREJUDICE AS TO ALL
CLAIMS AND ALL PARTIES FILED ON SEPTEMBER 16, 2013
(By: Nakamura, C.J., Leonard and Reifurth, JJ.)

Upon consideration of the Stipulation for Dismissal Without Prejudice as to All Claims and All Parties, filed September 16, 2013, by Defendants/Counterclaimants/Cross-claim Defendants/Appellants Duffy Herman, Patricia Morris a/k/a Tricia Morris, Jonathan Herman, and Magical Maui Homes dba Aloha Luxury Properties, 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 pursuant to Hawai'i Rules of Appellate Procedure Rule 42(b); and (3) the parties agree to bear their own attorneys' fees and costs on appeal.

Therefore, IT IS HEREBY ORDERED that the stipulation to dismiss the appeal is approved and the appeal is dismissed. The parties shall bear their own attorneys' fees and costs.

DATED: Honolulu, Hawai'i, October 2, 2013.

Chief Judge

Associate Judge

Associate Judge