

NO. CAAP-14-0000580

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

JOHN E. HERZOG, Petitioner-Claimant/Appellant, v.  
EARTH TECH/AECOM, INC., et al., Respondents-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 14-4-0007-01)

ORDER GRANTING THE MARCH 19, 2014 STIPULATION FOR DISMISSAL  
(By: Nakamura, Chief Judge, Foley and Leonard, JJ.)

Upon consideration of the "Stipulation for Dismissal with Prejudice of Notice of Appeal filed March 19, 2014" (Stipulation) filed on March 31, 2014 by Respondents-Appellees Earth Tech/AECOM Inc., Tyco International, Group Health Plan of Tyco International, Inc., Scott Lewis, Courtney Springsted, Jeannette Pratt, and Tracy Roth (collectively, **Appellees**), and the records and files herein, it appears that Appellees and Petitioner-Claimant/Appellant John E. Herzog seek dismissal of the instant appeal, that the appeal has not yet been docketed, and that Rule 42(a) of the Hawai'i Rules of Appellate Procedure (HRAP) applies to dismissal of an appeal prior to docketing.

**NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER**

Therefore, IT IS HEREBY ORDERED that the Motion is granted pursuant to HRAP Rule 42(a), and the appeal is dismissed. The parties shall bear their own appellate costs and fees.

DATED: Honolulu, Hawai'i, April 23, 2014.

Chief Judge

Associate Judge

Associate Judge