

NO. CAAP 13-0006257

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

CAPITAL ONE BANK (USA), N.A., Plaintiff-Appellee,
v.
SOLOMON D. NALUAI and MELCO HAWAII PRODUCTIONS,
Defendants-Appellants

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
HONOLULU DIVISION
(CIVIL NO. 1RC11-1-9982)

ORDER GRANTING THE NOVEMBER 29, 2014
MOTION TO DISMISS APPEAL AS MOOT

(By: Nakamura, C.J., Fujise and Reifurth, JJ.)

Upon consideration of "[Plaintiff-Appellee Capital One Bank (USA), N.A.'s (**Appellee**)] Motion to Dismiss Appeal as Moot" (**Motion to Dismiss**), filed on November 29, 2014, the papers in support, and the record, and noting no opposition, it appears that on remand, the District Court of the First Circuit, Honolulu Division, vacated the November 26, 2013 Judgment from which the appeal in No. CAAP-13-0006257 lies; and therefore, the appeal is moot. See Kona Old Hawaiian Trails Grp. v. Lyman, 69 Haw. 81, 87, 734 P.2d 161, 165 (1987); Kaho'ohanohano v. State, 114 Hawai'i 302, 332, 162 P.3d 696, 726 (2007).

Therefore, IT IS HEREBY ORDERED that the Motion to Dismiss is granted. The appeal in No. CAAP-13-0006257 is dismissed.

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

Chief Judge

Associate Judge

Associate Judge