

NO. CAAP-13-0000413

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

KRISHNA NARAYAN; SHERRIE NARAYAN; VIRENDRA NATH;
NANCY MAKOWSKI; KEITH MACDONALD AS CO-TRUSTEE FOR THE DKM
TRUST DATED OCTOBER 7, 2011; SIMON YOO; SUMIYO SAKAGUCHI;
SUSAN RENTON, INDIVIDUALLY AND AS TRUSTEE FOR THE
RENTON FAMILY TRUST DATED 12/3/09; STEPHEN XIANG PANG; FAYE WU
LIU; MASSY MEHDIPOUR INDIVIDUALLY AND AS TRUSTEE FOR MASSY
MEHDIPOUR TRUST DATED JUNE 21, 2006; G. NICHOLAS SMITH;
TRISTINE SMITH; RITZ 1303 RE, LLC, A COLORADO LIMITED
LIABILITY COMPANY; CLIFFORD W. CHAFFEE; BRADLEY CHAFFEE
INDIVIDUALLY AND AS TRUSTEE OF THE CHARLES V. CHAFFEE BRC
STOCK TRUST DATED 12/1/99 AND THE CLIFFORD W. CHAFFEE
BRC STOCK TRUST DATED 1/4/98, GARY S. ANDERSON;
RONALD W. LORENZ; AND RENEE Y. LORENZ,
Plaintiffs-Appellees,

v.

MARRIOTT INTERNATIONAL, INC.; THE RITZ-CARLTON DEVELOPMENT
COMPANY, INC.; THE RITZ-CARLTON MANAGEMENT COMPANY, LLC;
JOHN ALBERT; EDGAR GUM; THE RITZ-CARLTON HOTEL COMPANY L.L.C.;
MARRIOTT VACATIONS WORLDWIDE CORPORATION;
MARRIOTT OWNERSHIPS RESORTS, INC.; MARRIOTT TWO FLAGS, LP;
AND MH KAPALUA VENTURE, LLC,
Defendants-Appellants,

MAUI LAND & PINEAPPLE CO., INC.; EXCLUSIVE RESORTS, LLC;
KAPALUA BAY, LLC; ASSOCIATION OF APARTMENT OWNERS OF KAPALUA
BAY CONDOMINIUM; CAROLINE PETERS BELSOM; CATHY ROSS; ROBERT
PARSONS; RYAN CHURCHILL; MLP KB PARTNER LLC; KAPALUA BAY
HOLDINGS, LLC; ER KAPALUA INVESTORS FUND, LLC; ER KAPALUA
INVESTORS FUND HOLDINGS, LLC; EXCLUSIVE RESORTS DEVELOPMENT
COMPANY, LLC; AND EXCLUSIVE RESORTS CLUB I HOLDINGS LLC,
Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CIVIL NO. 12-1-0586(3))

ORDER GRANTING MOTION TO DISMISS APPEAL

(By: Foley, Presiding J., Fujise and Reifurth, JJ.)

Upon consideration of "Defendants-Appellants Marriott International, Inc.; The Ritz-Carlton Development Company, Inc.; The Ritz-Carlton Management Company, LLC; John Albert; Edgar Gum; The Ritz-Carlton Hotel Company, L.L.C.; Marriott Vacations Worldwide Corporation; Marriott Ownership Resorts, Inc.; Marriott Two Flags, LP; and MH Kapalua Venture, LLC's [(collectively, **Appellants'**)] Motion to Dismiss Appeal" (**Motion to Dismiss**), filed by Appellants on February 4, 2014; and "Defendant/Appellee Association of Apartment Owners of Kapalua Bay Condominium's [(**AOAO's**)] Substantive Joinder in [the Motion to Dismiss] and Answering Brief," filed by Defendant/Appellee AOAO on February 5, 2014, the papers in support, and the records and files herein,

IT IS HEREBY ORDERED that the Motion to Dismiss is granted and this appeal is dismissed.

DATED: Honolulu, Hawai'i, February 18, 2014.

Presiding Judge

Associate Judge

Associate Judge