

NO. CAAP-14-0000803

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

THE BANK OF NEW YORK MELLON fka THE BANK OF NEW YORK,
As Trustee for the Certificateholders CWABS, Inc.,
Asset-Backed Certificates, Series 2005-17,
Plaintiff/Counterclaim Defendant-Appellee,

v.

DANILO GUERRERO VELASCO AND LINDA A. VELASCO,
Defendants/Counterclaimants-Appellants,

and

JOHN DOES and MARY DOES 1-10,
Defendants

BLUE MOUNTAIN HOMES LLC,
Intervenor/Third-Party Plaintiff-Appellee,

v.

THE BANK OF NEW YORK MELLON fka THE BANK OF NEW YORK,
as Trustee for the Certificateholders CWABS, Inc.,
Asset-Backed Certificates, Series 2005-17,
Third-Party Defendants-Appellees,

and

DANILO GUERRERO VELASCO and LINDA A. VELASCO,
Third-Party Defendants-Appellants,

and

JOHN DOES, MARY DOES 1-10, DOE CORPORATIONS 1-10,
DOE PARTNERSHIPS 1-10, DOE "NON-PROFIT" CORPORATIONS 1-10,
DOE ASSOCIATIONS 1-10, and DOE GOVERNMENTAL ENTITIES 1-10,
Third-Party Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 11-1-2355)

ORDER APPROVING THE SEPTEMBER 22, 2014
STIPULATION FOR DISMISSAL OF APPEAL
(By: Nakamura, C.J., Foley and Reifurth, JJ.)

Upon consideration of the Stipulation for Dismissal of Appeal, filed by Plaintiff/Counterclaim Defendant-Appellee The Bank of New York Mellon fka The Bank of New York, as Trustee for the Certificateholders CWABS, Inc., Asset-Backed Certificates, Series 2005-17 (**Bank of NY Mellon**), and the record, it appears that (1) Bank of NY Mellon, Defendants/Counterclaimants-Appellants Danilo Guerrero Velasco and Linda A. Velasco, and Intervenor/Third-Party Plaintiff-Appellee Blue Mountain Homes LLC stipulate to dismiss Appeal No. CAAP-14-0000803; (2) the parties' attorneys have signed the stipulation; (3) the stipulation provides that "the parties [are] to bear their own individual costs and their own individual attorney's fees"; (4) no fees are due; and (5) Hawai'i Rules of Appellate Procedure Rule 42(b) provides that "[i]f the parties to a docketed appeal or other proceeding sign and file a stipulation for dismissal, specifying the terms as to payment of costs, and pay whatever fees are due, the case shall be dismissed upon approval by the appellate court[.]"

Therefore, IT IS HEREBY ORDERED that Appeal No. CAAP-14-0000803 is dismissed.

DATED: Honolulu, Hawai'i, October 7, 2014.

Chief Judge

Associate Judge

Associate Judge