

NOS. CAAP-14-0001294, CAAP-14-0001295, CAAP-14-0001378

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

(NO. CAAP-14-0001295)

CONSOLIDATED ELECTRICAL DISTRIBUTORS, INC.,
a Delaware corporation, Lienor-Appellant, v.
AMERICAN ELECTRIC CO. LLC, a Hawaii limited liability company;
HAWAIIAN DREDGING CONSTRUCTION COMPANY, INC., a Hawaii
corporation; HU HONUA BIOENERGY, LLC, a Delaware limited
liability company; MAUKALOA FARMS, LLC, a Hawaii limited
liability company; and DOE PERSONS and ENTITIES 1-100,
Respondents-Appellees,

and

(NO. CAAP-14-0001378)

HAWAIIAN DREDGING CONSTRUCTION COMPANY, INC.,
Lienor-Appellant, v. MAUKALOA FARMS, LLC; HU HONUA BIOENERGY,
LLC, AND JOHN DOES 1-10; JANE DOES 1-10; DOE ENTITIES
1-500, Respondents,

and

(NO. CAAP-14-0001294)

T. BAILEY, INC., a Washington corporation,
Lienor-Appellant, v. HU HONUA BIOENERGY, LLC, a
Delaware liability company; MAUKALOA FARMS, LLC, a
Hawaii limited liability company; COLONIAL BANK, N.A.
an Alabama banking corporation; ISLAND BIOENERGY, LLC,
a Delaware limited liability company, Respondents-Appellees,
and JOHN DOES 1-10; JANE DOES 1-10; DOE CORPORATIONS;
DOE PARTNERSHIPS 1-10; DOE "NON-PROFIT" CORPORATION 1-10;
DOE ASSOCIATIONS 1-10; and DOE GOVERNMENTAL ENTITIES
1-10, Respondents.

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(ML NOS. 14-1-0010, 14-1-0004, 14-1-0006)

ORDER APPROVING (1) THE JANUARY 15, 2016
STIPULATION AND ORDER FOR DISMISSAL WITH PREJUDICE OF
CONSOLIDATED ELECTRICAL DISTRIBUTORS, INC.'S APPEAL AND
(2) THE FEBRUARY 1, 2016 STIPULATION AND ORDER FOR
DISMISSAL WITH PREJUDICE OF T BAILEY, INC.'S APPEAL
(By: Foley, Presiding Judge, Leonard and Ginoza, JJ.)

Upon consideration of the January 15, 2015 "Stipulation
and Order for Dismissal with Prejudice of [Lienor-Appellant]
Consolidated Electrical Distributors, Inc.'s [(**Consolidated
Electrical's**)] Appeal [No. CAAP-14-0001295]," February 1, 2016
"Stipulation and Order for Dismissal with Prejudice of [Lienor-
Appellant] T Bailey, Inc.'s [(**T Bailey's**)] Appeal [No. CAAP-14-
0001294]," and the record, and noting no opposition, it appears
that:

(1) Appeal Nos. CAAP-14-0001294, -0001295, and -0001378
were consolidated under CAAP-14-0001295;

(2) CAAP-14-0001378 was dismissed pursuant to a
December 10, 2015 order granting a December 1, 2015 stipulation
to dismiss the appeal;

(3) Consolidated Electrical and Respondents-Appellees
Maukaloa Farms, LLC (**Maukaloa Farms**) and Hawaiian Dredging

Construction Co., Inc. (**Hawaiian Dredging**)¹ stipulate to dismiss CAAP-14-0001295;

(4) T Bailey and Respondent-Appellee Maukaloa Farms stipulate to dismiss CAAP-14-0001294;

(5) the parties' attorneys have signed the stipulations;

(6) the stipulations provide that the parties are to pay their own costs and attorney's fees;

(7) the appeals have been docketed;

(8) no payment is due; and

(9) Hawai'i Rules of Appellate Procedure Rule 42(b) provides, "If 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 of the appellate court[.]"

Therefore, IT IS HEREBY ORDERED that the stipulations to dismiss Consolidated Electrical's appeal in CAAP-14-00001295 and T Bailey's appeal in CAAP-14-0001294 are approved, and the appeals are dismissed. There are no appeals remaining in this consolidated appeal.

DATED: Honolulu, Hawai'i, February 8, 2016.

Presiding Judge

Associate Judge

Associate Judge

¹ Maukaloa Farms and Hawaiian Dredging are the only remaining appellees appearing in this consolidated appeal.