

NO. CAAP-16-0000419

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

ASSOCIATION OF APARTMENT OWNERS OF MOKULEIA BEACH COLONY, by its
Board of Directors, Plaintiff/Counterclaim Defendant-Appellee,
v.

NATHAN MICHAEL TOOTHMAN,
Defendant/Counterclaim-Plaintiff/Appellant,
and

TIFFANY TOOTHMAN, Counterclaim-Plaintiff-Appellee,
and

MORTGAGE ELECTRIC REGISTRATION SYSTEMS, INC., solely as nominee
for CITIMORTGAGE, INC., a New York corporation, CITIBANK, N.A.,
Defendants-Appellees,
and

JOHN DOES 1-5, JANE DOES 1-5,
DOE PARTNERSHIPS 1-5, DOE CORPORATIONS 1-5, DOE ENTITIES 1-5
and DOE GOVERNMENTAL UNITS 1-5, Defendants
and

JOHN DOES 1-10, Counterclaim-Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 13-1-2280-03)

ORDER APPROVING WITH PREJUDICE THE
JANUARY 6, 2017 STIPULATION FOR DISMISSAL OF APPEAL
(By: Leonard, Presiding Judge, Reifurth and Ginoza, JJ.)

Upon consideration of the "Stipulation for Dismissal of
Appeal With Prejudice From the Judgment Filed May 9, 2016," filed
January 6, 2017, by Plaintiff/Counterclaim-Defendant/Appellee
Association of Apartment Owners of Mokuleia Beach Colony, and the

record, it appears that (1) the appeal has not been docketed; (2) pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 42(b), the parties stipulate to dismiss the appeal with prejudice, and bear their own costs and attorneys' fees on appeal; (3) the stipulation is dated and signed by counsel for all represented parties, and by all parties appearing in the appeal pro se; and (4) because the appeal has not been docketed, dismissal is authorized by HRAP Rule 42(a), rather than HRAP Rule 42(b).

Therefore, IT IS HEREBY ORDERED that the stipulation to dismiss the appeal is approved and the appeal is dismissed with prejudice. The parties shall bear their own costs and attorneys' fees on appeal.

DATED: Honolulu, Hawai'i, January 12, 2017.

Presiding Judge

Associate Judge

Associate Judge