

NO. CAAP-16-0000458

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

BALI HAI VILLAS, LTD., a Hawaii Limited Partnership,
and STEVEN GARNER, on behalf of himself and all other
limited partners of Hali Hai Villas Ltd.,
Plaintiffs/Counterclaim-Defendants/Appellants,

v

JAMES GIBSON, in his capacity as Successor Trustee of the
David E. Walters Trust, Defendant/Cross-Claim Defendant/Appellee,
and

GOODSILL ANDERSON QUINN & STIFEL, LLP,
Defendant/Cross-Claim Plaintiff/Cross-Claim Defendant/Appellee,
and

BALI HAI VILLAS, INC.,
Defendant/Cross-Claim Defendant/Counterclaim-Plaintiff/
Cross-Claim Plaintiff/Appellee,
and

ARDESHIR HORMOZYARI, LUCETTE WALTERS,
SPIZZIRRI FAMIY TRUST, CANDEE SPIZZIRRI,
KEKAHA MS, LLC, a Hawaii limited liability company,
LIHUE MS, LLC, a Hawaii limited liability company, and
KAUAI BEACH VILLAS PHASE II, LLC, a Hawaii limited liability
company, Defendants/Cross-Claim Defendants/Appellees

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CIVIL NO. 13-1-0053)

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

Upon consideration of the "Stipulation for Dismissal Pursuant to Rule 42(b) of the Hawai'i Rules of Appellate Procedure [(HRAP)]," filed January 6, 2017, by Plaintiffs-Appellants Bali Hai Villas, Ltd., and Steven Garner, on behalf of himself and all other limited partners of Bali Hai Villas, Ltd., the papers in support, and the record, it appears that (1) the appeal was docketed on September 8, 2016; (2) pursuant to HRAP Rule 42(b), the parties stipulate to dismiss the appeal, and bear their own costs and attorneys' fees on appeal; and (3) the stipulation is dated and signed by counsel for all parties appearing in the appeal.

Therefore, IT IS HEREBY ORDERED that the stipulation to dismiss the appeal is approved and the appeal is dismissed. 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