

NO. CAAP-16-0000702

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

ASSOCIATION OF APARTMENT OWNERS OF 2987 KALAKAUA,
by its Board of Directors, Plaintiff-Appellant,

v.

MICHAEL C. MASON, also known as MICHAEL COCHRANE MASON,
Trustee of the Michael C. Mason Trust under unrecorded Trust
Instrument dated September 8, 2003, Defendant-Appellee,

and

JOHN DOES 1-50, et al., Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 14-1-1268-05)

ORDER APPROVING THE FEBRUARY 13, 2017

STIPULATION FOR DISMISSAL WITH PREJUDICE

(By: Leonard, Presiding Judge, Reifurth and Ginoza, JJ.)

Upon consideration of the "Stipulation for Dismissal With Prejudice of Notice of Appeal," filed February 13, 2017, by Plaintiff-Appellant Association of Apartment Owners of 2987 Kalakaua, which the court construes as a stipulation to dismiss the appeal, 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 parties appearing in the appeal; and (4) because the appeal has not been docketed, dismissal is authorized by HRAP Rule 42(a).

Therefore, IT IS HEREBY ORDERED that the stipulation to dismiss the appeal is approved under HRAP Rule 42(a), and the appeal is dismissed with prejudice. The parties shall bear their own costs and attorneys' fees on appeal.

DATED: Honolulu, Hawai'i, March 14, 2017.

Presiding Judge

Associate Judge

Associate Judge