

NO. CAAP-17-0000146

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

JAMES BLACK, Individually and as Trustee of the
ALLEN-BLACK TRUST OF 2007, Plaintiff-Appellant,
v.

ASSOCIATION OF APARTMENT OWNERS OF KAI MAKANI,
HAWAIIANA MANAGEMENT COMPANY, LTD., RYAN TEFFT,
and JERRY SULLIVAN, Defendants-Appellees,
and

JOHN DOES 1-50, JANE DOES 1-50, DOE PARTNERSHIPS 1-50,
and DOE CORPORATIONS 1-50, Defendants

APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT
(DC-CIVIL NO. 16-1-001215)

ORDER GRANTING MOTION TO DISMISS APPEAL

(By: Ginoza, Chief Judge, and Reifurth and Chan, JJ.)

Upon consideration of the Motion to Dismiss Plaintiff-Appellant's Appeal filed on May 23, 2018 by Defendants-Appellees, ASSOCIATION OF APARTMENT OWNERS OF KAI MAKANI, HAWAIIANA MANAGEMENT COMPANY, LTD., RYAN TEFFT, and JERRY SULLIVAN (Appellees), the papers in support, and the record, and there being no opposition, it appears that (1) the parties have reached a settlement and have executed a Settlement and Release, effective May 7, 2018, which provides, in part, that Plaintiff-Appellant JAMES BLACK, Individually and as Trustee of the ALLEN-BLACK TRUST OF 2007 (Appellant) "agrees to dismiss all of his claims in the Appeal with prejudice[,]" and "further states that each party is responsible for payment of that party's own attorneys' fees and legal expenses incurred in the appeal"; (2)

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on May 22, 2018, this court disapproved a stipulation to dismiss the appeal because it did not specify whether each party would bear their own attorneys' fees, and it was executed by Appellees' counsel and Appellant Pro Se, but not by Appellant's counsel of record; and (3) various efforts over the last three months by Appellant Pro Se and Appellees' counsel to communicate with Appellant's counsel regarding the settlement have been unsuccessful.

Therefore, IT IS HEREBY ORDERED that the motion is granted and the appeal is dismissed with prejudice. The parties shall bear their own attorneys' fees and costs.

IT IS FURTHER ORDERED that all pending motions are dismissed.

DATED: Honolulu, Hawai'i, June 8, 2018.

Chief Judge

Associate Judge

Associate Judge