

**Electronically Filed
Intermediate Court of Appeals
CAAP-11-000050
07-MAR-2012
12:50 PM**

NO. CAAP-11-000050

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

KOSHIRO KITAZATO, Individually and as President of SOCIETY TO PROTECT DIAMOND HAWAII, a Japan unincorporated association; YOSHIKIMI KOMODA, Individually and as Vice President of SOCIETY TO PROTECT DIAMOND HAWAII, a Japan unincorporated association; TOSHIHIKO IKENAGA, Individually and as Vice President of SOCIETY TO PROTECT DIAMOND HAWAII, a Japan unincorporated association; SOCIETY TO PROTECT DIAMOND HAWAII, a Japan unincorporated association by and through KOSHIRO KITAZATO, acting on his own behalf and on behalf of members of an association; Plaintiffs-Appellants, v. BLACK DIAMOND HOSPITALITY INVESTMENTS, LLC, a Hawaii limited liability company; DIAMOND SOCIETY COMPANY, LTD., a Japanese corporation; DIAMOND RESORT CORPORATION, a Japanese company; DIAMOND RESORT HAWAII CORPORATION, a Hawaii corporation; JANIC CORPORATION, a Hawaii corporation; DIAMOND RESORT HAWAII OWNERS ASSOCIATION, INC., a Hawaii nonprofit corporation; DIAMOND RESORT MANGEMENT, INC., a Hawaii corporation; JOE G. LEONI; KYOKO KIMURA; JERRY LYNCH; TIMOTHY JOHN YOUNG; JOSEPH M. TOY; MATTHEW GAMBETTA; JONATHAN M. MCMANUS; Jon Does 1-20; Jane Does 1-20; Doe Partnerships 1-20; Doe Corporations 1-20; Doe Governmental Entities 1-20; Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CIVIL NO. 08-1-0746(1))

ORDER APPROVING STIPULATION TO PARTIALLY DISMISS APPEAL
(By: Fujise, J., for the court¹)

Upon consideration of the Stipulation to Partially Dismiss Appeal as it relates to Plaintiffs-Appellants and

¹ Foley, Presiding Judge, Fujise and Leonard, JJ.

Defendants-Appellees Diamond Resort Hawaii Owners Association, Inc., Jerry Lynch, Jonathan M. McManus, Matthew Gambetta, and Kyoko Kimura, the papers in support, and the records and files herein, it appears that: (1) Plaintiffs-Appellants and Defendants-Appellees Diamond Resort Hawaii Owners Association, Inc., Jerry Lynch, Jonathan M. McManus, Matthew Gambetta, and Kyoko Kimura filed this stipulation to dismiss Plaintiffs-Appellants' appeal as it relates to Defendants-Appellees with the parties to bear their own attorney's fees and costs; and (2) no other party filed an objection to this stipulation. Therefore,

IT IS HEREBY ORDERED that the stipulation to partially dismiss the appeal as it relates to Plaintiffs-Appellants and Defendants-Appellees Diamond Resort Hawaii Owners Association, Inc., Jerry Lynch, Jonathan M. McManus, Matthew Gambetta, and Kyoko Kimura is approved. The parties to the stipulation shall bear their own attorney's fees and costs.

DATED: Honolulu, Hawai'i, March 7, 2012.


Associate Judge