

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 29803

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

KENNETH P. BILLINGS, Claimant-Appellee, v.  
STATE OF HAWAI'I, DEPARTMENT OF PUBLIC SAFETY, Employer-Appellant  
APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD  
(AB 2006-464 (H))

2010 JAN 14 AM 7:50  
DEPARTMENT OF PUBLIC SAFETY

FILED

ORDER GRANTING MOTION TO DISMISS APPEAL  
(By: Nakamura, C.J., Foley and Leonard, JJ.)

Upon consideration of Employer-Appellant State of Hawaii, Department of Public Safety's Motion to Dismiss Appeal Pursuant to HRAP Rule 42(b) and the statement of no opposition to the dismissal filed by Claimant-Appellee Kenneth Billings,

IT IS HEREBY ORDERED that the motion to dismiss appeal is granted, and this appeal is dismissed without prejudice to Claimant-Appellee's pending request for attorney's fees and costs.

DATED: Honolulu, Hawai'i, January 14, 2010.

*C. Nakamura*  
Chief Judge

*Daniel R. Foley*  
Associate Judge

*[Signature]*  
Associate Judge