

Electronically Filed
Intermediate Court of Appeals
29606
15-MAR-2011
10:28 AM

NO. 29606

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

HERMINA M. MORITA, Plaintiff-Appellant, v.
HAWAII SUPERFERRY, INC., Respondent-Appellee

APPEAL FROM THE PUBLIC UTILITIES COMMISSION
(DOCKET NO. 2007-0324)

ORDER DENYING WITHOUT PREJUDICE
PLAINTIFF-APPELLANT'S STIPULATION FOR DISMISSAL
(By: Leonard, J.)

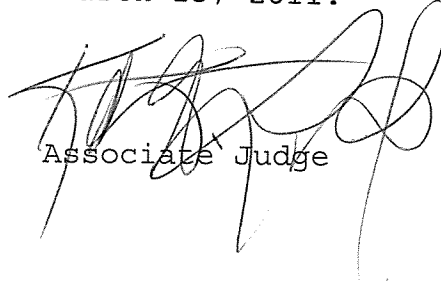
Upon consideration of the Stipulation for Dismissal and the records and files herein, it appears that: (1) on January 27, 2009, Plaintiff-Appellant Hermina M. Morita filed a notice of appeal; (2) on June 1, 2009, Defendant-Appellee Hawaii Superferry, Inc. filed a Notice of Suggestion of Bankruptcy and Automatic Stay of Proceedings; and (3) neither party filed any evidence or representation that the automatic bankruptcy stay was terminated or lifted by the bankruptcy court. See Hawai'i Rules of Appellate Procedure Rule 54(b).¹

¹ Rule 54. LIFTING OR TERMINATION OF STAY OF PROCEEDINGS BY FEDERAL BANKRUPTCY COURT.

(b) Notice. On the lifting or termination by the bankruptcy court of a stay of proceedings pending in the Hawai'i appellate courts, each party shall file a notification thereof with the appellate court within 7 days.

Therefore, IT IS HEREBY ORDERED that the Stipulation
for Dismissal is denied without prejudice.

DATED: Honolulu, Hawai'i, March 15, 2011.



Associate Judge