

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-10-0000128

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

JOSEPH W. HARTLEY, Plaintiff-Appellee, v.
JOHN MARSH and C. MIKAHALA KERMABON, Defendants-Appellants,
and
HEIRS OR ASSIGNS OF AKI, et al., Defendants-Appellees
APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CIVIL NO. 07-1-0456)

ORDER

(1) GRANTING STIPULATION TO
DISMISS APPEAL OF DEFENDANT-APPELLANT JOHN MARSH
and
(2) ORDER SETTING DUE DATE OF THE OPENING BRIEF
FOR DEFENDANT-APPELLANT C. MIKAHALA KERMABON
(By: Nakamura, C.J., Foley and Reifurth, JJ.)

Upon consideration of the Stipulation for Dismissal With Prejudice; Request for Approval filed by Plaintiff-Appellee Joseph W. Hartley and Defendant-Appellant John Marsh, the papers in support, and the records and files herein, it appears that: (1) on November 8, 2010, Defendant-Appellant John Marsh filed a notice of appeal; (2) on November 8, 2010, Defendant-Appellant C. Makahala Kermabon filed a notice of appeal; (3) in March, 2011, the parties agreed to participate in appellate mediation, and this court stayed briefing until the appeal was returned to the appellate docket; (4) the mediator submitted a mediator's report

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that the parties partially settled and the appeal was returned to the appellate docket; (5) Appellee and Defendant-Appellant John Marsh are stipulating to dismiss the appeal filed by Appellant Marsh with the parties to bear their own appellate costs and fees; (6) Defendant-Appellant C. Makahala Kermabon's appeal remains pending. Therefore,

IT IS HEREBY ORDERED that the stipulation for dismissal of Defendant-Appellant John Marsh's appeal is approved and the appeal filed by Appellant John Marsh is dismissed.

IT IS FURTHER ORDERED that Defendant-Appellant C. Makahala Kermabon's appeal remains pending. The opening brief shall be filed within forty days from the date of this order, unless the time is otherwise extended pursuant to Hawai'i Rules of Appellate Procedure Rule 29.

DATED: Honolulu, Hawai'i, November 22, 2011.


Chief Judge


Associate Judge


Associate Judge