

NO. 30388

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

KAUAI KULANA MORTGAGE INVESTORS, LLC, Plaintiff-Appellee,  
vs. WILLIAM F. MOWRY, TRUSTEE OF THE R.S. MOWRY TRUST  
DATED MAY 26, 2000; WILLIAM F. MOWRY, SOLE TRUSTEE OF  
THE WILLIAM F. MOWRY LIVING TRUST DATED NOVEMBER 16,  
2000; and WILLIAM F. MOWRY, SOLE TRUSTEE OF THE MARTHA  
J. MOWRY LIVING TRUST DATED NOVEMBER 16, 2000;  
Defendant-Appellant, and KAPAA 382, LLC; ASSOCIATION OF  
APARTMENT OWNERS OF KULANA, by and through its Board of  
Directors; WILLIAM F. MOWRY AND MARTHA J. MOWRY,  
TRUSTEES OF THE WILLIAM F. MOWRY LIVING TRUST DATED  
NOVEMBER 16, 2000; MARTHA J. MOWRY AND WILLIAM F.  
MOWRY, TRUSTEES OF THE MARTHA J. MOWRY LIVING TRUST  
DATED NOVEMBER 16, 2000; WILLIAM F. BRENNAN; JUDITH E.  
BRENNAN; SETH W. BRENNAN; KULANA 15B, LLC; KULANA 5C,  
LLC; KULANA 5D, LLC; KULANA 12D, LLC; KULANA 12E, LLC;  
STEPHEN W. LONG; WILLIAM R. HANCOCK; RONALD K.  
KOTOSHIRODO, in his capacity as Bankruptcy Trustee in  
In re Lull, B.K. Case No. 06-00898; JOHN DOES 3-50;  
JANE DOES 1-50; DOE PARTNERSHIPS 1-50; DOE CORPORATIONS  
1-50; DOE ENTITIES 1-50; AND DOE GOVERNMENTAL UNITS 1-  
50, Defendants, and DAN DIAMOND d/b/a KO CONSTRUCTION,  
Intervenor

(CIVIL NO. 07-1-0180)

AND

STEPHEN W. LONG, AIA AND ASSOCIATES, INC., Plaintiff-  
Appellee, vs. WILLIAM F. MOWRY, TRUSTEE OF THE R.S.  
MOWRY TRUST DATED MAY 26, 2000, Defendant-Appellant,  
and KAUAI KULANA MORTGAGE INVESTORS, KAPAA 382, LLC;  
WILLIAM F. MOWRY and MARTHA J. MOWRY, TRUSTEES OF THE  
WILLIAM F. MOWRY LIVING TRUST DATED NOVEMBER 16, 2000;  
MARTHA J. MOWRY AND WILLIAM F. MOWRY, TRUSTEES OF THE  
MARTHA J. MOWRY LIVING TRUST DATED NOVEMBER 16, 2000;  
WILLIAM R. HANCOCK; WILLIAM F. BRENNAN; JUDITH E.  
BRENNAN; SETH W. BRENNAN; ASSOCIATION OF APARTMENT  
OWNERS OF KULANA; MARK ZENGER, in his capacity as  
Foreclosure Commissioner in Civil No. 07-1-0180; RONALD  
K. KOTOSHIRODO, in his capacity as Bankruptcy Trustee

**NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS OR THE PACIFIC REPORTER**

in In re Lull; B.K. Case No. 06-00898; and DOE PERSONS,  
PARTNERHIPS, CORPORATIONS, ENTITIES, and GOVERNMENTAL  
UNITS 1-50, Defendants

(CIVIL NO. 09-1-0062)

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT

ORDER APPROVING STIPULATION FOR DISMISSAL WITH PREJUDICE

(By: Reifurth, J., for the court<sup>1</sup>)

Upon consideration of the May 17, 2012 Stipulation for Dismissal with Prejudice of Appeal, the papers in support, and the record and file herein, it appears that: (1) on October 4, 2011, this court was advised that a conditional settlement that would terminate this appeal was placed on the record in the circuit court, (2) on May 14, 2012, this court was informed that the parties to this appeal were in the process of finalizing the settlement, and (3) the parties are now stipulating to dismiss the appeal with prejudice with each party to bear its own appellate costs and attorneys' fees. Therefore,

IT IS HEREBY ORDERED that the Stipulation for Dismissal with Prejudice of Appeal is approved and this appeal is dismissed with prejudice.

IT IS FURTHER ORDERED that the parties to this appeal shall bear their own appellate costs and attorneys' fees.

DATED: Honolulu, Hawai'i, May 18, 2012.

Associate Judge

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<sup>1</sup> Fujise, Presiding Judge, Leonard and Reifurth, JJ.