

NOS. CAAP-11-0000630 and CAAP-11-0000631

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

**NO. CAAP-11-0000630**

SUNSET HEIGHTS HAWAII, LLC, Plaintiff-Appellee,  
v.  
ALL POOL & SPA, INC., CAULKING HAWAII, INC., et al.,  
Defendants-Appellants,  
and  
HAWAIIAN DREDGING CONSTRUCTION CO., INC.,  
FIDELITY & DEPOSIT COMPANY OF MARYLAND, Defendants-Appellees,  
and  
JOHN DOES 1-20, DOE BUSINESS ENTITIES 1-20, and  
DOE GOVERNMENTAL ENTITIES 1-20, Defendants

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ALCAL/ARCADE CONTRACTING, INC., ALL POOL & SPA, INC., et al.,  
Defendants/Third-Party Plaintiffs-Appellants,  
and  
D.Y. MIKAMI CONSTRUCTION, INC.,  
Defendant/Third-Party Plaintiff-Appellee,  
v.  
ASSOCIATION OF APARTMENT OWNERS OF KO'OLANI,  
WATTS WATER TECHNOLOGIES, INC., et al.,  
Third-Party Defendants-Appellees,  
and  
DOE DEFENDANTS 1-50, Third-Party Defendants

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WATTS RADIANT, INC., Cross-Claimant Appellee,  
v.  
DORVIN LEIS, INC., Cross-Defendant Appellant,  
and  
SUNSET HEIGHTS HAWAII, LLC, THE DURRANT GROUP, INC., et al.,  
Cross-Defendants Appellees,  
and  
JOHN AND JANE DOES 1-10, DOE CORPORATIONS 1-10, et al.,  
Cross-Defendants

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WATTS RADIANT, INC., Third-Party Plaintiff-Appellee,  
v.  
MURRAY CORPORATION, BOW PLASTICS LTD., BOW PLUMBING GROUP,  
Third-Party Defendants-Appellees,  
and  
JOHN AND JANE DOES 1-10, DOE CORPORATIONS 1-10, et al.,  
Third-Party Defendants

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Defendants-Appellants,  
and  
ALL POOL & SPA, INC., CAULKING HAWAII, INC.,  
DORVIN LEIS, INC., et al., Defendants-Appellees,  
and  
JOHN DOES 1-20, DOE BUSINESS ENTITIES 1-20, and  
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ALCAL/ARCADE CONTRACTING INC., ALL POOL & SPA, INC., et al.,  
Defendants/Third-Party Plaintiffs-Appellees,  
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and  
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Cross-Defendant Appellant,  
and  
SUNSET HEIGHTS HAWAII, LLC, DORVIN LEIS, INC., et al.,  
Cross-Defendants Appellees,  
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WATTS RADIANT, INC., Third-Party Plaintiff-Appellee,  
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Third-Party Defendants-Appellees,  
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Third-Party Defendants

**NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER**

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 08-1-1350)

ORDER GRANTING MOTION FOR DISMISSAL  
WITH PREJUDICE OF THE APPEAL  
(By: Foley, Presiding J., Leonard and Ginoza, JJ.)

Upon consideration of "Defendants-Appellants Hawaiian Dredging Construction Company Inc., Fidelity & Deposit Company of Maryland And Zurich American Insurance Company's Motion For Dismissal With Prejudice Of The Appeal" (Motion) filed October 29, 2013, the papers in support, the records and files herein, and no objection having been filed, it appears that all parties to the underlying litigation have finalized and executed a global settlement agreement providing that, among other things, a dismissal of the claims in the underlying civil action would be forthcoming.

It further appears that a "Stipulation And Order For Dismissal Of All Remaining Claims And Parties" was filed October 25, 2013 in the underlying civil action in the Circuit Court of the First Circuit.

Therefore, IT IS HEREBY ORDERED that the Motion is granted and this appeal is dismissed with prejudice.

DATED: Honolulu, Hawai'i, November 14, 2013.

Keith K. Hiraoka  
Shannon L. Wack  
Jodie D. Roeca  
(Roeca Luria Hiraoka)  
for Defendants-Appellants  
on the motion.

Presiding Judge

Associate Judge

Associate Judge