

NO. CAAP-12-0001105

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

KURT BOSSHARD, Trustee of the unrecorded Kurt Bosshard Trust, dated September 9, 1999, Plaintiff-Appellee, v. MOLOA'A BAY VENTURES, LLC, a Hawai'i Limited Liability Company, Defendant-Appellant, and THE THREE STOOGES, LLC, a Hawai'i Limited Liability Company; ALLEN FAMILY, LLC, an Arizona Limited Liability Company; GREG L. ALLEN, SR., individually, GREG L. ALLEN, JR., individually, WALLACE G. REZENTES, JR., in his official capacity as Director of Finance, COUNTY OF KAUAI, and JOHN DOES 1-25; Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CIVIL NO. 12-1-0234)

ORDER GRANTING IN PART PLAINTIFF-APPELLEE KURT BOSSHARD,
TRUSTEE'S DECEMBER 9, 2013 MOTION
(By: Nakamura, Chief Judge, Leonard and Ginoza, JJ.)

On December 9, 2013, Kurt Bosshard, Trustee of the unrecorded Kurt Bosshard Trust, dated September 9, 1999 (**Bosshard**), filed a Motion to Dismiss Appeal and Motion to Strike Declaration of Douglas R. Wright; Exhibits "B" - "E" attached to Defendant-Appellant's Notice of Moot Issues filed October 29, 2013 (**Motion to Dismiss**). On December 16, 2013, Defendant-Appellant Moloka'a Bay Ventures, LLC filed its Response to said Motion to Strike Declaration of Douglas R. Wright; Exhibits "B" -

"E" attached to Defendant-Appellant's Notice of Moot Issues filed October 29, 2013.

Upon careful review of the parties' submissions, and having given due consideration to the arguments advanced and the issues raised, as well as the relevant rules, statutes, and case law, IT IS HEREBY ORDERED THAT the Motion to Dismiss is granted in part and denied in part. Bosshard's request to dismiss this appeal, Appeal No. CAAP-12-0001105, as moot is granted. All other requests for relief are denied.

Accordingly, pursuant to Hawai'i Rules of Appellate Procedure Rule 42(b), IT IS HEREBY ORDERED THAT Appeal No. CAAP-12-0001105 is dismissed and the parties shall bear their own attorneys' fees and costs on appeal.

DATED: Honolulu, Hawai'i, February 5, 2014.

On the motion:

Harold Bronstein
for Plaintiff-Appellee

Chief Judge

Associate Judge

Associate Judge