

NO. CAAP-11-0001079

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

ASSOCIATION OF APARTMENT OWNERS OF ILIKAI APARTMENT BUILDING,  
Petitioner-Appellee,  
v.  
SVC-HAWAII, L.P.; SVC-WAIKIKI, LLC; and SHELL OWNERS ASSOCIATION-  
HAWAII,  
Respondents-Appellants,

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(S.P. No. 10-1-0303)

ORDER APPROVING STIPULATION FOR  
DISMISSAL OF APPEAL WITH PREJUDICE  
(By: Fujise, Presiding Judge, Reifurth and Ginoza, JJ.)

Upon consideration of the Stipulation for Dismissal of Appeal with Prejudice, filed by Respondents-Appellants SVC-Hawaii, L.P., SVC-Waikiki, LLC, and Shell Owners Association-Hawaii (Appellants), on September 22, 2014, and the record, it appears that (1) Appellants and Petitioner-Appellee Association of Apartment Owners of Ilikai Apartment Building (AOAO) stipulate to dismiss Appeal No. CAAP-11-0001079; (2) Appellants and the AOAO, through their attorneys, have signed the stipulation; (3) the stipulation provides that "[e]ach party shall bear their own attorneys' fees and costs but for those allocated by separate agreement"; (4) no fees are due; and (5) Hawai'i Rules of Appellate Procedure Rule 42(b) provides, "[i]f the parties to a docketed appeal or other proceeding sign and file a stipulation for dismissal, specifying the terms as to payment of costs, and

pay whatever fees are due, the case shall be dismissed upon approval by the appellate court[.]"

Therefore, IT IS HEREBY ORDERED that Appeal No. CAAP-11-0001079 is dismissed. Appellants and the AOA shall bear their own appellate costs and fees but for those allocated by separate agreement.

DATED: Honolulu, Hawai'i, October 9, 2014

Presiding Judge

Associate Judge

Associate Judge