

NO. CAAP-15-0000096

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

CUZCO DEVELOPMENT, U.S.A., LLC,
Hawaii limited liability company, Plaintiff-Appellee,
v.

CARROLL K. UNG RESTAURANT GROUP, INC.,
a Hawaii corporation dba FATBOY'S LOCAL DRIVE-IN,
CARROLL K. UNG, individually, and
FATBOY'S KEEAUMOKU LLC, a Hawaii limited liability company,
Defendants-Appellants

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(CASE NO. 1RC14-1-6841)

ORDER APPROVING THE JULY 16, 2015
STIPULATION FOR DISMISSAL WITH PREJUDICE
(By: Nakamura, C.J., Fujise and Reifurth, JJ.)

Upon consideration of the "Stipulation and Order for Dismissal with Prejudice of Appellant's Appeal Filed on February 23, 2015," filed by Plaintiff-Appellee Cuzco Development U.S.A., LLC, a Hawaii limited liability company (**Appellee**), on July 16, 2015, and the record, it appears that (1) Appellee and Defendants-Appellants Carroll K. Ung Restaurant Group, Inc., a Hawaii corporation, dba Fatboy's Local Drive-In, Carroll K. Ung, individually, and Fatboy's Keeaumoku LLC, a Hawaii limited liability company stipulate to dismiss Appeal No. CAAP-15-0000096; (2) the parties' attorneys have signed the stipulation;

(3) the appeal has not been docketed; and (4) Hawai'i Rules of Appellate Procedure Rule 42(a) provides, "If an appeal has not been docketed, the appeal shall be dismissed upon the filing of a stipulation for dismissal signed by all the parties."

Therefore, IT IS HEREBY ORDERED that Appeal No. CAAP-15-0000096 is dismissed.

DATED: Honolulu, Hawai'i, August 6, 2015.

Chief Judge

Associate Judge

Associate Judge