

NO. CAAP-15-0000145

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

BALI HAI VILLAS LTD., a Hawaii Limited Partnership,
and STEVEN GARNER, on behalf of himself and all other
limited partners of Bali Hai Villas Ltd.,
Plaintiffs-Appellees,

v.

BALI HAI VILLAS, INC.; ARDESHIR HORMOZYARI, in his
capacity as Successor Trustee of the David E. Walters Trust
Fund dated March 31, 2003; JAMES GIBSON, in his capacity as
Personal Representative of the probate estate of David
Walters, deceased, and in his individual capacity; LUCETTE
WALTERS; SPIZZIRRI FAMILY TRUST; CANDEE SPIZZIRRI, Co-
Trustee; KEKAHA MS, LLC, a Hawaii limited liability company,
LIHUE MS, LLC, a Hawaii limited liability company, KAUAI
BEACH VILLAS PHASE II, LLC, a Hawaii limited liability
company, Defendants-Appellees,

and

GOODSILL ANDERSON QUINN & STIFEL, LLLP,
Defendant-Appellant,

and

JOHN DOES 2-10; JANE DOES 2-10; DOE PARTNERSHIPS 1-10;
DOE CORPORATIONS 1-10, and DOE ENTITIES 1-10,
Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CIVIL NO. 13-1-0053)

ORDER APPROVING THE AUGUST 24, 2015
STIPULATION TO DISMISS APPEAL PURSUANT TO SETTLEMENT
(By: Nakamura, C.J., Fujise and Reifurth, JJ.)

Upon consideration of the Stipulation to Dismiss Appeal Pursuant to Settlement, filed August 24, 2015, by Defendant-Appellant Goodsill Anderson Quinn & Stifel, LLLP (Appellant), the papers in support, and the record, it appears that (1) the stipulation is dated and signed by counsel for all parties appearing in the appeal; (2) the parties seek to dismiss the appeal without prejudice, pursuant to Hawai'i Rules of Appellate Procedure Rule 42(b); (3) the appeal was docketed May 12, 2015; and (4) the parties agree to bear their own costs and attorneys' fees, and any outstanding costs owed the court will be paid by the party incurring the costs. The parties further agree that if costs are not attributed to a party, then the costs will be paid by Appellant.

Therefore, IT IS HEREBY ORDERED that the stipulation to dismiss the appeal is approved without prejudice to proceedings in the trial court, and the appeal is dismissed. The parties shall bear their own costs and attorneys' fees. Any outstanding costs owed the court will be paid by the party incurring the costs. If costs are not attributed to a party, then the costs will be paid by Appellant.

DATED: Honolulu, Hawai'i,

Chief Judge

Associate Judge

Associate Judge