

NO. CAAP-15-0000322

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

THE BANK OF NEW YORK MELLON fka THE BANK OF NEW YORK
as Trustee for the Certificateholders of the CWABS, Inc.,
Asset-Backed Certificates, Series 2004-10,
Plaintiff/Counterclaim Defendant-Appellee,

v.

ALEJANDRO JUAN and FRACSEDES JUAN,
Defendants/Counterclaimants-Appellants,
and

JOHN DOES 1-10, JANE DOES 1-10,
DOE PARTNERSHIPS 1-10, DOE CORPORATIONS 1-10,
DOE ENTITIES 1-10, and DOE GOVERNMENTAL UNITS 1-10, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CIVIL NO. 13-1-1092(3))

ORDER APPROVING THE JULY 24, 2015
STIPULATION FOR DISMISSAL WITH PREJUDICE
(By: Nakamura, C.J., Fujise and Reifurth, JJ.)

Upon consideration of the "Stipulation for Dismissal
with Prejudice of [Defendants/Counterclaimants-Appellants]
Alejandro Juan and Fracsedes Juan's [**(Appellants')**] Appeal and
Underlying Counterclaim" filed on July 24, 2015, and the record,

it appears that (1) Appellants and Plaintiff/Counterclaim Defendant-Appellee The Bank of New York Mellon FKA The Bank of New York, as Trustee for the Certificateholders of the CWALT, Inc., Asset-Backed Certificates, Series 2004-10 stipulate to dismiss Appeal No. CAAP-15-0000322; (2) the parties' attorneys have signed the stipulation; (3) the stipulation provides that the parties are to pay their own costs and attorney's fees; (4) the appeal has been docketed; (5) no payment is due; and (6) Hawai'i Rules of Appellate Procedure Rule 42(b) provides, "If 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 of the appellate court[.]"

Therefore, IT IS HEREBY ORDERED that Appeal No. CAAP-15-0000322 is dismissed.

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

Chief Judge

Associate Judge

Associate Judge