

**Electronically Filed  
Intermediate Court of Appeals  
CAAP-13-0003606  
13-JAN-2015  
10:43 AM**

NOS. CAAP-13-0003606 and CAAP-13-0006255

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

**CAAP-13-0003606**

WAIKIKI MARKETPLACE INVESTMENT COMPANY, LLC, a Hawai'i limited liability company, Plaintiff-Appellee,

v.

KUHIO BANYAN OWNERS ASSOCIATION,  
a Hawai'i nonprofit corporation, et al., Defendants-Appellants,  
and

JOHN DOES 1-50, JANE DOES 1-50,  
DOE PARTNERSHIPS 1-50, DOE CORPORATIONS 1-50,  
DOE ENTITIES 1-50, and DOE GOVERNMENTAL ENTITIES 1-50,  
Defendants

AND

**CAAP-13-0006255**

WAIKIKI MARKETPLACE INVESTMENT COMPANY, LLC, a Hawai'i limited liability company, Plaintiff-Appellee,

v.

KUHIO BANYAN OWNERS ASSOCIATION,  
a Hawai'i nonprofit corporation, et al., Defendants-Appellants,  
and

JOHN DOES 1-50, JANE DOES 1-50,  
DOE PARTNERSHIPS 1-50, DOE CORPORATIONS 1-50,  
DOE ENTITIES 1-50, and DOE GOVERNMENTAL ENTITIES 1-50,  
Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 13-1-0832-03)

ORDER

(1) APPROVING THE AUGUST 13, 2014

MOTIONS STIPULATIONS TO DISMISS APPEAL WITH PREJUDICE;

AND

(2) DISMISS AS MOOT ALL PENDING MOTIONS

(By: Nakamura, C.J., Foley and Ginoza, JJ.)

Upon consideration of the following, each filed in both Nos. CAAP-13-0003606 and CAAP-13-0006255: August 13, 2014 "Stipulation to Dismiss Appeal with Prejudice" (**Stipulations**), filed by Plaintiff-Appellee Waikiki Marketplace Investment Company, LLC, a Hawaii limited liability company; September 2, 2014 "Notice of Lifting of Bankruptcy Stay" and December 18, 2014 "Motion to Approve [Stipulations]" (**Motions to Approve Stipulations**), filed by Defendants-Appellants Kuhio Banyan Owners Association, a Hawaii nonprofit corporation (**KBOA**), Kuhio Banyan Lease Extension Accommodator, Inc., a Hawaii corporation (**KBLEA**), and Bank of Hawaii, a Hawaii corporation as Trustee Under Land Trust No. 90-01825, as Lessee (collectively, **Appellants**); and the record; it appears that:

(1) Appellants have demonstrated that the automatic bankruptcy stays resulting from KBLEA and KBOA's respective bankruptcy proceedings were lifted.

(2) The parties stipulate to dismiss Nos. CAAP-13-0003606 and CAAP-13-0006255.

(3) The parties' attorneys have signed the Stipulations.

(4) The Stipulations provide that "[e]ach party shall bear its own attorneys' fees and costs."

(5) No fees are due in either appeal.

(6) Hawai'i Rules of Appellate Procedure Rule 42(b)

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

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:

(1) The Motions to Approve Stipulations are granted, and the Stipulations are approved. Nos. CAAP-13-0003606 and CAAP-13-0006255 are dismissed. The parties shall bear their own appellate costs and fees.

(2) All pending motions are dismissed as moot.

(3) The appellate clerk shall file a copy of this order in Nos. CAAP-13-0003606 and CAAP-13-0006255.

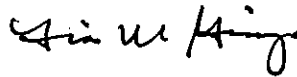
DATED: Honolulu, Hawai'i, January 13, 2015.



Chief Judge



Associate Judge



Associate Judge