

NO. CAAP-15-0000035

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

RESIDENTIAL CREDIT SOLUTIONS, INC., a Texas corporation,
Plaintiff-Appellee,
v.
HELEN A. ECKERT, Defendant/Third-Party Plaintiff-Appellant,
and
JULIE ECKERT, ECKERT PROPERTIES, LLC, Defendants-Appellees,
and
JOHN DOES 1-50 and JANE DOES 1-50, Defendants,
v.
QUANTUM SERVICING CORPORATION, a Delaware corporation,
Third-Party Defendant-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 12-1-3249)

ORDER GRANTING THE JUNE 16, 2015
STIPULATION FOR DISMISSAL WITH PREJUDICE OF APPEAL
(By: Foley, Presiding Judge, Reifurth and Ginoza, JJ.)

Upon consideration of the "Stipulation for Dismissal With Prejudice of Appeal," filed June 16, 2015, by Defendant/Third-Party Plaintiff/Appellant Helen A. Eckert (Appellant), the papers in support, and the record, it appears that:

(1) The parties stipulate to dismiss the appeal with prejudice, pursuant to Hawai'i Rules of Appellate Procedure Rule 42(b), with each party to bear its own costs and attorneys' fees;

(2) Appellant is represented by counsel, and counsel signed the stipulation on her behalf;

(3) Appellant signed the stipulation on behalf of Defendant/Appellee Eckert Properties, LLC (Appellee Eckert Properties), but she is not an attorney licensed to practice law in Hawai'i, and "non-attorney agents are not allowed to represent corporations in litigation." Oahu Plumbing & Sheet Metal, Ltd. v. Kona Constr., Inc., 60 Haw. 372, 377, 590 P.2d 570, 574 (1979); see also HRS §§ 605-2 (1993) & 605-14 (Supp. 2014). Therefore, Appellant is not authorized to sign the stipulation on behalf of Appellee Eckert Properties;

(4) Under the circumstances, the court construes the stipulation as Appellant's motion to dismiss the appeal; and

(5) Because counsel for the remaining parties, and the remaining party proceeding pro se, each signed the stipulation to dismiss the appeal, the requested relief is unopposed.

Therefore, IT IS HEREBY ORDERED that the motion to dismiss the appeal is granted and the appeal is dismissed with prejudice. The parties shall bear their own costs and attorneys' fees.

DATED: Honolulu, Hawai'i, June 19, 2015.

Presiding Judge

Associate Judge

Associate Judge