

NO. CAAP-15-0000558

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

MAUI MUSCLE SPORTS CLUB KAHANA LLC,
a Hawai'i limited liability company, Plaintiff-Appellant,
v.
ASSOCIATION OF APARTMENT OWNERS OF VALLEY ISLE RESORT,
a Hawai'i non-profit corporation, et al., Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CIVIL NO. 12-1-0925(1))

ORDER APPROVING THE MAY 18, 2016
STIPULATION FOR DISMISSAL WITH PREJUDICE
(By: Fujise, Presiding Judge, Leonard and Ginoza, JJ.)

Upon consideration of the "Stipulation for Dismissal of Appeal From the Judgment Filed November 3, 2015," filed May 18, 2016, by Plaintiff-Appellant Maui Muscle Sports Club Kahana LLC, the papers in support, and the record, it appears that (1) pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 42(b), the parties stipulate to dismiss the appeal with prejudice, with each party to bear its own attorneys' fees and costs as to the appeal; (2) the stipulation is dated and signed

by counsel for all parties appearing in the appeal; (3) HRAP Rule 42(a) authorizes dismissal of an appeal that has not been docketed, whereas HRAP Rule 42(b) authorizes dismissal of a docketed appeal; and (4) here, dismissal is authorized by HRAP Rule 42(a) because the appeal has not been docketed.

Therefore, IT IS HEREBY ORDERED that the stipulation is approved and the appeal is dismissed with prejudice. Each party shall bear its own attorneys' fees and costs related to the appeal.

DATED: Honolulu, Hawai'i, May 25, 2016.

Presiding Judge

Associate Judge

Associate Judge