

NO. CAAP-14-0001318

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

RICHARD P. LEE, TAMMY HO Plaintiffs-Appellees/Cross-Appellants,
and DANE FIELD, as Trustee in Bankruptcy of the Estate of
Richard Pyong Pok Lee, Real-Party-In-Interest-Plaintiff-Appellee,
v. JUSTIN J. HORI, Defendant-Appellant/Cross-Appellee,
and KELLY O'NEIL'S, INC., DBA KELLY O'NEIL'S,
Defendant-Appellant/Cross-Appellee, and
JOHN DOES 1-10, JANE DOES 1-10, DOE PARTNERSHIPS 1-10,
DOE NON-PROFIT ENTITIES, DOE GOVERNMENTAL AGENCIES
1-10, DOE CORPORATE ENTITIES 1-10, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 09-1-1472)

ORDER APPROVING THE JUNE 30, 2016 STIPULATION FOR
DISMISSAL WITH PREJUDICE OF APPEAL AND CROSS-APPEAL
(By: Foley, Presiding Judge, Leonard and Ginoza, JJ.)

Upon consideration of "Defendant-Appellant and Cross-Appellee Justin J. Hori's [(Hori)] Notice of Bankruptcy Court's Order Approving Trustee's Amended Motion to Approve Settlement of Claims and Allowance and Payment of Special Counsel's Contingency Fee and Costs," filed June 3, 2016, the "Stipulation for Dismissal With Prejudice of Appeal and Cross-Appeal," filed June

30, 2016, by Hori, the papers in support, and the record, it appears that:

(1) On January 22, 2015, the circuit court clerk docketed this appeal and cross-appeal;

(2) On June 26, 2015, the court noted Plaintiff-Appellee/Cross-Appellant Richard P. Lee had filed a bankruptcy petition and, pursuant to 11 U.S.C. § 362(a)(1) (2010) and Hawai'i Rules of Appellate Procedure (HRAP) Rule 54(c), stayed further proceedings in this appeal until the automatic bankruptcy stay had been lifted or terminated, and the parties complied with HRAP Rule 54(b) and (c);

(3) On June 3, 2016, Hori filed a notice of the bankruptcy court's December 7, 2015 order approving the parties' settlement agreement of all claims and all parties in this appeal. The bankruptcy court's order indirectly authorizes the parties to dismiss this appeal, which the court construes as an order lifting or terminating the bankruptcy stay; and

(4) On June 30, 2016, Hori filed a stipulation to dismiss this appeal and cross-appeal, pursuant to HRAP Rule 42(b), with each party to bear their own fees and costs. The stipulation is dated and signed by counsel for all parties appearing in the appeal.

Therefore, IT IS HEREBY ORDERED that the stipulation to dismiss the appeal is approved and the appeal is dismissed with

prejudice. The parties shall each bear their own fees and costs on appeal.

DATED: Honolulu, Hawai'i, July 7, 2016.

Presiding Judge

Associate Judge

Associate Judge