

NO. CAAP-15-0000553

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

DEANNA BERKOWITZ, Trustee of the  
Barbara J. Berkowitz Living Trust, Plaintiff-Appellant,  
v.  
NANCY LEE WINSTON, Defendant-Appellee

APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT  
(DC-CIVIL NO. 14-1-1647)

ORDER APPROVING IN PART THE JULY 11, 2016  
"STIPULATION FOR DISMISSAL WITH PREJUDICE"  
AND THE APPEAL IS DISMISSED WITH PREJUDICE  
(By: Foley, Presiding Judge, Fujise and Leonard, JJ.)

Upon consideration of the Stipulation for Dismissal With Prejudice, filed July 11, 2016, by Plaintiff-Appellant Deanna Berkowitz, Trustee, 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 their own attorneys' fees and costs; (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 in part and the appeal is dismissed with prejudice. Each party shall bear their own attorneys' fees and costs.

DATED: Honolulu, Hawai'i, July 15, 2016.

Presiding Judge

Associate Judge

Associate Judge