

NO. CAAP-15-0000959

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

YEE PING SHIRLEY YUEN, individually and as
the trustee of the Yee Ping Shirley Yuen Trust,
Plaintiff-Appellant,

v.

RAYMOND L. BELLA, ELLEN C. BELLA,
STANLEY OKIMOTO and HAWAII LOA RIDGE OWNERS ASSOCIATION,
Defendants-Appellees,
and
DOES 1-10, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(S.P. NO. 15-1-0061)

ORDER APPROVING IN PART THE JUNE 06, 2016
"ORDER FOR STIPULATED DISMISSAL OF APPEAL"
AND THE APPEAL IS DISMISSED WITH PREJUDICE
(By: Nakamura, C.J., Fujise and Reifurth, JJ.)

Upon consideration of the Order for Stipulated Dismissal of Appeal, filed June 6, 2016, by Defendants-Appellees Raymond Bella, Ellen Bella and Stanley Okimoto, which the court construes as a stipulation to dismiss the appeal, 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 undated stipulation is 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. The parties shall bear their own attorneys' fees and costs.

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

Chief Judge

Associate Judge

Associate Judge