

NO. CAAP-15-0000877

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

DEUTSCHE BANK NATIONAL TRUST COMPANY,  
as Trustee for Morgan Stanley Home Equity Loan Trust 2007-1,  
Mortgage Pass-Through Certificates, Series 7-1,  
Plaintiff-Appellee,  
v.  
PATRICK IBARA, Defendant-Appellant,  
and  
SANDRA AYAKO ABE, JOHN and MARY DOES 1-20, DOE PARTNERSHIPS,  
CORPORATIONS OR OTHER ENTITIES 1-20, Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 10-1-0339-02)

ORDER APPROVING IN PART THE JULY 29, 2016  
"STIPULATION FOR DISMISSAL WITH PREJUDICE"  
(By: Nakamura, C.J., Fujise and Reifurth, JJ.)

Upon consideration of the Stipulation for Dismissal With Prejudice and Order, filed July 29, 2016, by Defendant-Appellant Patrick Ibara, 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, and bear their own costs and attorneys' fees on appeal; (2) the stipulation is dated and signed by counsel for all parties appearing in the appeal; (3) the appeal

has not been docketed; and (4) HRAP Rule 42(b) governs dismissal of docketed appeals, whereas HRAP Rule 42(a) authorizes dismissal before an appeal is docketed.

Therefore, IT IS HEREBY ORDERED that the stipulation to dismiss the appeal is approved in part and the appeal is dismissed with prejudice pursuant to HRAP Rule 42(a). The parties shall bear their own costs and attorneys' fees on appeal.

DATED: Honolulu, Hawai'i, September 23, 2016.

Chief Judge

Associate Judge

Associate Judge