

NO. CAAP-16-0000084

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

FPA LAHAINA SHORES ASSOCIATES, LLC, Plaintiff-Appellee,
v.
DRINK ENTERPRISES, LLC, Defendant-Appellant
APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT
(DC-CIVIL NO. 14-1-0120)

ORDER APPROVING IN PART THE SEPTEMBER 7, 2016
"STIPULATION FOR DISMISSAL WITH PREJUDICE"
(By: Nakamura, C.J., Fujise and Reifurth, JJ.)

Upon consideration of the Stipulation for Dismissal With Prejudice, filed September 7, 2016, by Plaintiff-Appellee FPA Lahaina Shores Associates, 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, 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.

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

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 26, 2016.

Chief Judge

Associate Judge

Associate Judge