

NO. CAAP-16-0000340

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

QUINN H. B. KAUFMAN, Petitioner-Appellee, v.
REFUGIO G. GONZALEZ, Respondent-Appellant

APPEAL FROM THE FAMILY COURT OF THE SECOND CIRCUIT
(FC-DA NO. 16-1-0182)

ORDER

(By: Nakamura, C.J., Fujise and Reifurth, JJ.)

Upon consideration of the Motion to Vacate Order for Protection and Remand Proceedings Based on Death of Appellant, or, for Extension of Time for Filing Opening Brief, filed on August 18, 2016 (Motion) on behalf of Respondent-Appellant Refugio G. Gonzalez (Appellant), it appears that Benjamin E. Lowenthal, Counsel for Appellant (Counsel) suggests Appellant is deceased and requests that the Order for Protection, filed on March 30, 2016 in the Family Court of the Second Circuit (OFP), be vacated and the appeal dismissed. No opposition to the Motion has been filed, and on August 30, 2016, Counsel filed a Declaration stating that he spoke with counsel for Petitioner-Appellee Quinn H.B. Kaufman (Kaufman) who represented that Kaufman agrees that the Order For Protection should be vacated and the appeal be dismissed.

Based on Hawai'i Rules of Appellate Procedure (HRAP) Rule 43(a) which authorizes, upon the suggestion of death by any party, further proceedings as the appellate court directs and HRAP Rule 42(b) governing dismissal of appeals, and the representations of Counsel, the motion is granted.

IT IS HEREBY ORDERED that the March 30, 2016 Order For Protection entered by the Family Court of the Second Circuit is vacated and this appeal is dismissed by agreement of the parties, each party to bear its own costs and fees.

DATED: Honolulu, Hawai'i, September 22, 2016.

Chief Judge

Associate Judge

Associate Judge