

NO. CAAP-16-0000400

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

BALI HAI VILLAS LTD., a Hawaii Limited Partnership, and
STEVEN GARNER, on behalf of himself and all other
limited partners of Bali Hai Villas Ltd.,
Plaintiffs-Appellants,

v.

BALI HAI VILLAS, INC.; ARDESHIR HORMOZYARI, in his
capacity as Successor Trustee of the David E.
Walters Trust dated March 31, 2003; JAMES GIBSON,
in his capacity as Personal Representative of the
probate estate of David Walters, deceased and in
his individual capacity; LUCETTE WALTERS;
SPIZZIRRI FAMILY TRUST; CANDEE SPIZZIRRI,
Co-Trustee; KEKAHA MS, LLC, a Hawaii limited
liability company; LIHUE MS, LLC, a Hawaii limited
company; KAUAI BEACH VILLAS PHASE II, LLC, a
Hawaii limited liability company; GOODSILL
ANDERSON QUINN & STIFFEL, LLP,
Defendants-Appellees,

and

JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10;
DOE CORPORATIONS 1-10, and DOE ENTITIES 1-10,
Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CIVIL NO. 13-1-0053)

ORDER APPROVING THE JANUARY 6, 2017
STIPULATION FOR DISMISSAL OF APPEAL

(By: Leonard, Presiding Judge, Reifurth and Ginoza, JJ.)

Upon consideration of the "Stipulation for Dismissal Pursuant to Rule 42(b) of the Hawai'i Rules of Appellate Procedure [(HRAP)]," filed January 6, 2017, by Plaintiff-Appellant Steven Garner, on behalf of himself and all other limited partners of Bali Hai Villas, Ltd., and the record, it appears that (1) the appeal was docketed on September 8, 2016; (2) pursuant to HRAP Rule 42(b), the parties stipulate to dismiss the appeal, and bear their own costs and attorneys' fees on appeal; and (3) the stipulation is dated and signed by counsel for all parties appearing in the appeal.

Therefore, IT IS HEREBY ORDERED that the stipulation to dismiss the appeal is approved and the appeal is dismissed. The parties shall bear their own costs and attorneys' fees on appeal.

DATED: Honolulu, Hawai'i, January 12, 2017.

Presiding Judge

Associate Judge

Associate Judge