

Electronically Filed
Intermediate Court of Appeals
CAAP-16-0000606
13-JAN-2017
09:42 AM

NO. CAAP-16-0000606

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

IN THE MATTER OF THE GUARDIANSHIP OF LR
APPEAL FROM THE FAMILY COURT OF THE SECOND CIRCUIT
(FC-G NO. 15-1-0060)

ORDER GRANTING THE DECEMBER 21, 2016 "MOTION TO DISMISS APPEAL"
(By: Nakamura, C.J., Fujise and Reifurth, JJ.)

Upon consideration of Petitioner-Appellant's (Appellant) December 21, 2016 Motion to Dismiss Appeal (Motion), Father-Appellee's (Father) December 27, 2016 Memorandum in Partial Opposition to the Motion, the papers in support, and the record, it appears that, pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 42(b), Appellant seeks to dismiss this docketed appeal, with the parties to bear their own attorneys' fees and costs on appeal, and Father agrees the appeal should be dismissed but claims he should be awarded attorneys' fees and costs, pursuant to HRAP Rule 39, for preparing the proposed findings of fact and conclusions of law in the underlying case, FC-G No. 15-1-0060. Under the circumstances of this case, we decline to award fees and costs to Father.

IT IS HEREBY ORDERED that the motion is granted and the appeal is dismissed. The parties shall bear their own attorneys' fees and costs on appeal.

DATED: Honolulu, Hawai'i, January 13, 2017.

Craig H. Nakamura

Chief Judge

Annabelle De Jesus

Associate Judge

Lawrence M. Reilly

Associate Judge