

NO. CAAP-16-0000481

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

C. BREWER AND COMPANY, LTD.,
Plaintiff-Appellant/Cross-Appellee,
v.

INDUSTRIAL INDEMNITY COMPANY, INDUSTRIAL INSURANCE
COMPANY OF HAWAII, LTD., UNITED NATIONAL INSURANCE CO., LTD.,
NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH,
UNITED STATES FIRE INSURANCE COMPANY, LIBERTY MUTUAL INSURANCE
COMPANY, TIG INSURANCE COMPANY, COLUMBIA CASUALTY INSURANCE
COMANY, JAMES RIVER INSURANCE COMPANY, THE HOME INSURANCE
COMPANY, MARINE INDEMNITY INSURANCE COMPANY OF AMERICA,
RELIANCE INSURANCE COMPANY, LEXINGTON INSURANCE COMPANY,
CIGNA PROPERTY AND CASUALTY INSURANCE CO., PACIFIC EMPLOYERS
INSURANCE CO., INC., SCOTTSDALE INSURANCE COMPANY,
FIREMAN'S FUND INSURANCE COMPANY OF HAWAII,
FIRST STATE INSURANCE COMPANY, KILAUEA IRRIGATION COMPANY, INC.,
HAWAII INSURANCE GUARANTY ASSOCIATION,
Defendants-Appellees/Cross-Appellees,
and
STATE OF HAWAII and KEHALANI HOLDINGS COMPANY, INC.,
Defendants-Appellees/Cross-Appellants,
and
DOE DEFENDANTS 3-30, Defendants.

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CIVIL NO. 06-1-0140)

ORDER GRANTING THE MAY 1, 2017
MOTION TO DISMISS THE APPEAL WITH PREJUDICE
(By: Nakamura, Chief Judge, and Reifurth and Chan, JJ.)

Upon consideration of Plaintiff-Appellant C. Brewer and Company, Ltd.'s (Brewer) May 1, 2017 Motion to Dismiss Appeal (Motion), the papers in support, the record, and there being no opposition, it appears that (1) the appeal was docketed on October 21, 2016; (2) pursuant to Hawai'i Rules of Appellate Procedure Rule 42(b), Brewer seeks to dismiss with prejudice its appeal and the separate cross-appeals by Defendant-Appellee/ Cross-Appellant State of Hawai'i (State) and Defendant-Appellee/ Cross-Appellant Kehalani Holdings, Inc. (Kehalani Holdings), with all parties to bear their own attorneys' fees and costs on appeal; and (3) attached to the motion is a stipulation to the requested relief, dated and signed by, among others, counsel for Brewer, the State, and Kehalani Holdings, which confirms that Brewer, the State, and Kehalani Holdings intend to dismiss with prejudice their respective appeal and cross-appeals.

Therefore, IT IS HEREBY ORDERED that the Motion is granted and the appeal and cross-appeals are dismissed with prejudice. The parties shall bear their own costs and attorneys' fees on appeal.

DATED: Honolulu, Hawai'i, May 18, 2017.

Chief Judge

Associate Judge

Associate Judge