

NO. CAAP-16-0000346

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

ASSOCIATION OF APARTMENT OWNERS OF MOKULEIA BEACH COLONY,  
by and through its Board of Directors,  
Plaintiff/Counterclaim-Defendant-Appellee,  
v.  
NATHAN MICHAEL TOOTHMAN,  
Defendant/Counterclaim-Plaintiff/Appellant,  
and  
TIFFANY TOOTHMAN, Counterclaim-Plaintiff-Appellee,  
and  
TIFFANY TOOTHMAN, MORTGAGE ELECTRIC REGISTRATION SYSTEMS, INC.,  
solely as nominee for CITIMORTGAGE, INC., a New York corporation,  
CITIBANK, N.A., Defendants-Appellees,  
and  
JOHN DOES 1-5, JANE DOES 1-5,  
DOE PARTNERSHIPS 1-5, DOE CORPORATIONS 1-5, DOE ENTITIES 1-5  
and DOE GOVERNMENTAL UNITS 1-5, Defendants  
and  
JOHN DOES 1-10, Counterclaim-Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 13-1-2280-08 (KKS))

ORDER APPROVING THE JUNE 2, 2017  
STIPULATION FOR DISMISSAL OF APPEAL  
(By: Leonard, Presiding Judge, Reifurth and Ginoza, JJ.)

Upon consideration of the "Stipulation for Dismissal of Appeal With Prejudice From the Judgment Filed March 22, 2016," filed June 2, 2017, by Plaintiff/Counterclaim-Defendant/Appellee Association of Apartment Owners of Mokuleia Beach Colony, the

papers in support, and the record, it appears that (1) the appeal has not been docketed; (2) 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; (3) the stipulation is dated and signed by counsel for all represented parties, and by all parties appearing in the appeal pro se; and (4) because the appeal has not been docketed, dismissal is authorized by HRAP Rule 42(a), rather than HRAP Rule 42(b).

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

DATED: Honolulu, Hawai'i, June 20, 2017.

Presiding Judge

Associate Judge

Associate Judge