

NO. CAAP-16-0000463

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

In the Matter of
HAWAI'I AIR AMBULANCE (HAWAI'I LIFE FLIGHT),
Appellant-Respondent/Appellant,
v.
HAWAI'I LABOR RELATIONS BOARD, STATE OF HAWAI'I,
LINDA CHU TAKAYAMA, DIRECTOR, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS, STATE OF HAWAI'I,
Appellees-Appellees
and
JAMES P. STONE, Appellee-Complainant/Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 15-1-1410-07)

ORDER APPROVING THE JUNE 20, 2017
STIPULATION TO DISMISS THE APPEAL
(By: Leonard, Presiding Judge, and 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 June 20, 2017, by Appellant-Respondent/Appellant Hawaii Air Ambulance (Appellant), the papers in support, and the record, it appears that:

- (1) The appeal was docketed on June 16, 2016;
- (2) On May 5, 2017, Appellant filed a stipulation to dismiss the appeal, pursuant to HRAP Rule 42(b);

(3) On May 26, 2017, the court ordered that because a bankruptcy stay was in effect, pursuant to 11 U.S.C. § 362(a) (2011) and HRAP Rule 54, it would not consider the May 5, 2017 stipulation for dismissal until the parties complied with HRAP Rule 54(b) and (c) and filed a certified copy of the bankruptcy court's order lifting, terminating, vacating, or modifying the automatic stay;

(4) On June 19, 2017, Appellant filed a "Notice of Order Terminating Automatic Stay" that complies with HRAP Rule 54(b) and (c), and includes a certified copy of the "Stipulated Order Terminating Automatic Stay," filed in the bankruptcy case, In re Hawaii Air Ambulance, Inc., No. 16-00770, United States Bankruptcy Court, District of Hawaii, on June 15, 2017;

(5) On June 20, 2017, Appellant filed a second stipulation to dismiss the appeal, pursuant to HRAP Rule 42(b), with the parties agreeing to bear their own attorneys' fees and costs; and

(6) The June 20, 2017 stipulation for dismissal is signed by counsel for all parties appearing in the appeal.

Therefore, IT IS HEREBY ORDERED that the June 20, 2017 stipulation to dismiss the appeal is approved, and the appeal is dismissed. The parties shall bear their own attorneys' fees and costs.

IT IS FURTHER ORDERED that the May 5, 2017 stipulation to dismiss the appeal is dismissed.

DATED: Honolulu, Hawai'i, June 27, 2017.

Presiding Judge

Associate Judge

Associate Judge