

NO. CAAP-17-0000699

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

STATE OF HAWAI'I, Plaintiff-Appellee,  
v.  
DEAN WITT, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT  
(CASE NO. 2DCW-17-0001372)

ORDER APPROVING THE DECEMBER 7, 2017  
STIPULATION TO DISMISS APPEAL

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

Upon consideration of Defendant-Appellant Dean E. Witt's (Witt) December 7, 2017 "Notice of Submission of Stipulation to Withdraw [Witt's] Appeal of the Order Denying [Witt's] Motion to Dismiss Complaint Filed on May 24, 2017," it appears that:

- (1) On December 1, 2017, the district court clerk docketed the appeal;
- (2) The parties stipulate to dismiss the appeal, pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 42;<sup>1</sup>
- (3) The stipulation is signed by counsel for all parties appearing in the appeal, and is supported by Witt's declaration showing he understands the consequences of voluntary

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<sup>1/</sup> Witt's counsel are cautioned that a stipulation to dismiss an appeal shall be filed in the appellate court, rather than the underlying trial court case. See HRAP Rule 42(b) (requiring stipulation for dismissal of a docketed appeal to be approved by the appellate court). Counsel are further cautioned to utilize the correct docket code when filing documents in the Judiciary Electronic Filing System, so as not to delay proceedings.

dismissal, consistent with HRAP Rule 42(c); and

(4) Dismissal is authorized by HRAP Rules 42(b) and (c).

Therefore, IT IS HEREBY ORDERED that the stipulation to dismiss the appeal is approved, and the appeal is dismissed.

DATED: Honolulu, Hawai'i, February 15, 2018.

Presiding Judge

Associate Judge

Associate Judge