

CAAP-18-0000107

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,  
AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC.,  
ALTERNATIVE LOAN TRUST 2007-OH2, MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2007-OH2, Plaintiff-Appellee,

v.

KIM MYRA KURNOW; and WELLS FARGO BANK, N.A.,  
Defendants-Appellants,

and

JOHN DOES 1-50; JANE DOES 1-50; DOE PARTNERSHIPS 1-50;  
DOE CORPORATIONS 1-50; DOE ENTITIES 1-50; and  
DOE GOVERNMENTAL UNITS 1-50, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT  
(CIVIL NO. 12-1-0893(2))

ORDER APPROVING THE APRIL 30, 2018  
STIPULATION FOR DISMISSAL OF APPEAL

(By: Ginoza, Chief Judge, Reifurth and Chan, JJ.)

Upon consideration of the stipulation for dismissal of the appeal (Stipulation) filed on April 30, 2018 by Defendant-Appellant Kim Myra Kurnow, and the records and files herein, it appears that the parties stipulate to dismissal of the appeal pursuant to Rule 42(b) of the Hawai'i Rules of Appellate Procedure (**HRAP**).<sup>1</sup> It also appears that the appeal has been docketed, and, as such, HRAP Rule 42(b) applies.

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<sup>1/</sup> The parties stipulate to dismiss the appeal, but do not necessarily agree regarding existence of appellate jurisdiction for the appeal or applicability of any particular case law related to appellate jurisdiction as a basis for the Stipulation, and the court similarly does not comment or rule upon appellate jurisdiction or lack thereof. See Waikiki v. Ho'omaka Village Association of Apartment Owners, 140 Hawai'i 197, 398 P.3d 786 (2017); State v. Joshua, 141 Hawai'i 91, 405 P.3d 527 (2017).

**NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER**

THEREFORE, IT IS HEREBY ORDERED that the Stipulation, to the extent reflected above, to dismiss the appeal is approved, and the appeal is dismissed, with the parties to bear their own appellate costs and fees.

DATED: Honolulu, Hawai'i, May 17, 2018.

Chief Judge

Associate Judge

Associate Judge