

NO. CAAP-17-0000565

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

CIVIL NO. 13-1-1847

ASSOCIATION OF APARTMENT OWNERS OF ISLAND COLONY,  
BY AND THROUGH ITS BOARD OF DIRECTORS,  
Plaintiff-Appellant/Cross-Appellee,

v.

ISLAND COLONY PARTNERS and AMERICAN PACIFIC HOTELS, LLC.,  
Defendants-Appellees/Cross-Appellees,

and

JOHN DOES 1-10; JANE DOES 1-10; DOE CORPORATIONS 1-10;  
DOE PARTNERSHIPS 1-10; DOE ENTITIES 1-10; and  
DOE GOVERNMENTAL UNITS 1-10, Defendants.

CIVIL NO. 13-1-1961

ISLAND COLONY PARTNERS,  
Plaintiff-Appellee/Cross-Appellee,

v.

SHUTO SALES & MANAGEMENT, LLC;  
HAWAIIAN PARADISE RETREATS, LLC; and  
SUZANNE A. SHUTO,  
Defendants-Appellees/Cross-Appellants.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT

ORDER APPROVING THE STIPULATION FOR DISMISSAL  
WITH PREJUDICE AS TO DEFENDANT/CROSS-APPELLANTS  
SHUTO SALES & MGMT., LLC, HAWAIIAN PARADISE RETREATS, LLC  
AND SUZANNE A. SHUTO'S CROSS-APPEAL

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

Upon consideration of "Defendant-Appellees/Cross-Appellees Island Colony Partners and American Pacific Hotels, LLC's Notice of Settlement," filed September 26, 2018, the "Stipulation for Dismissal with Prejudice as to Defendant/Cross-Appellants Shuto Sales & Mgmt., LLC, Hawaiian Paradise Retreats

LLC and Suzanne A. Shuto's Cross-Appeal," filed October 2, 2018, and the record, it appears that:

- (1) the appeal was docketed on July 24, 2017;
- (2) a cross-appeal was docketed on July 26, 2017;
- (3) on April 12, 2018, two motions to dismiss, with papers in support were docketed;
- (4) on June 12, 2018, this court entered an order granting in part and denying in part the two April 12, 2018 motions to dismiss by granting dismissal as to appellant's appeal only, and denying dismissal as to cross-appellants' cross-appeal;
- (5) on September 26, 2018, a notice of settlement was docketed;
- (6) on October 2, 2018, a stipulation for dismissal with prejudice as to the cross-appeal was docketed;
- (7) the parties stipulate to dismiss the cross-appeal with prejudice, pursuant to Hawai'i Rules of Appellate Procedure Rule 42(b);
- (10) the stipulation is dated and signed by counsel for all parties appearing in the cross-appeal; and
- (11) the parties agree to bear their own costs and attorneys' fees incurred with respect to this appeal.

THEREFORE, IT IS HEREBY ORDERED that the stipulation to dismiss the cross-appeal is approved and the cross-appeal is dismissed with prejudice. The parties shall bear their own costs and attorneys' fees incurred with respect to this appeal.

DATED: Honolulu, Hawai'i, October 25, 2018.

Chief Judge

Associate Judge

Associate Judge