

NO. CAAP-16-0000708

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

COMMERCIAL PROPERTIES, LIMITED, A Hawaii corporation
Plaintiff/Counterclaim Defendant/Appellant, v.
SANDY POEHNELT, PUA'A 'ILI 'OI 'OI OHANA LLC, a
Hawaii limited liability company; THE RIGHT SLICE
LLC, a Hawaii limited liability company,
Defendants/Counterclaimants/Third-Party
Plaintiffs/Appellees and STACY MONIZ, Trustee of
the Unrecorded Stacy Moniz Revocable Trust dated
January 22, 2013, JO ANNE N. MONIZ, Trustee of the
unrecorded Jo Anne N. Moniz Trust dated
February 12, 1999, ANTONIA L. MONIZ, JOHN MONIZ,
and MARY C. WALSH, as Trustee of Trust A, a
sub-trust of the Beatrice Duarte Living Trust,
created under an unrecorded Trust Agreement dated
September 24, 1991, as amended and restated in an
unrecorded document dated July 14, 2008, and as
Trustee of the Mary C. Walsh Declaration of Trust
dated January 16, 2002, as amended and restated
the 28th day of July, 2008, as it may be further
amended, Third-Party Defendants/Appellees and JOHN
DOES 1-20; JANE DOES 1-20; DOE PARTNERSHIPS 1-20;
DOE CORPORATIONS 1-20; DOE ENTITIES 1-20; AND DOE
GOVERNMENTAL UNITS 1-20, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CIVIL NO. 15-1-0087)

ORDER APPROVING STIPULATION TO DISMISS APPEAL
(By: Ginoza, Chief Judge, Fujise and Leonard, JJ.)

Upon consideration of the Stipulation for Dismissal of
Appeal, filed on December 21, 2018, by Plaintiff/Counterclaim
Defendant/Appellant Commercial Properties, Limited and

Defendants/Counterclaimants/Third Party Plaintiffs/Appellees Sandy Poehnelt, Pua'a 'Ili 'Oi 'Oi Ohana, LLC, a Hawaii Limited Liability Company, and The Right Slice LLC, a Hawaii Limited Liability Company, the papers in support, and the record, it appears that (1) the appeal has been docketed; (2) the parties stipulate to dismiss the appeal and bear their own attorneys' fees and costs; and (3) the stipulation is dated and signed by counsel for all parties appearing in the appeal.

Therefore, IT IS HEREBY ORDERED that the stipulation to dismiss the appeal is approved, and the appeal is dismissed, pursuant to Hawai'i Rules of Appellate Procedure Rule 42(b). The parties shall bear their own attorneys' fees and costs.

DATED: Honolulu, Hawai'i, January 11, 2019.

Chief Judge

Associate Judge

Associate Judge