

NO. CAAP-17-0000324

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

FAUSTINO DASALLA DOMINGO and ELTON LANE NAMAHOE, SR.,
Plaintiffs-Appellees/Cross-Appellees,

v.

JAMES B. NUTTER & COMPANY,
Defendant-Appellant/Cross-Appellee,

and

ROBERT M. EHRHORN, JR.; CLAY CHAPMAN IWAMURA PULICE & NERVELL,
ATTORNEYS AT LAW, A LAW CORPORATION,
Defendants-Appellees/Cross-Appellants,

and

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

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 16-1-0249)

ORDER GRANTING THE JANUARY 8, 2019
MOTION TO DISMISS WITH PREJUDICE

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

Upon consideration of "Defendant-Appellant James B. Nutter & Company's Unopposed Motion to Dismiss with Prejudice Notice of Appeal, Filed on April 4, 2017" filed on January 8, 2019, the papers in support and the record, it appears that:

(1) an appeal was filed by James B. Nutter & Company on April 4, 2017;

(2) a cross-appeal was filed by Robert M. Ehrhorn, Jr. and Clay Chapman Iwamura Pulice & Nervell, Attorneys at Law, a

Law Corporation on April 18, 2017;

(3) James B. Nutter & Company seeks to dismiss its appeal with prejudice, subject to each party bearing their own costs and attorneys' fees with respect to the appeal;

(4) the motion is not opposed; and

(5) the dismissal of the appeal will not impact the cross-appeal.

Therefore, IT IS HEREBY ORDERED that the motion to dismiss the appeal is granted and the appeal is dismissed with prejudice. The parties shall bear their own costs and attorneys' fees incurred with respect to the appeal. The cross-appeal remains active and pending disposition.

DATED: Honolulu, Hawai'i, January 25, 2019.

Chief Judge

Associate Judge

Associate Judge