

NO. CAAP-18-0000738

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

CITY AND COUNTY OF HONOLULU, COUNTY OF HAWAII,
COUNTY OF MAUI, COUNTY OF KAUAI,
Plaintiffs-Appellants,

v.

DAVID Y. IGE, GOVERNOR, STATE OF HAWAII,
IN HIS OFFICIAL CAPACITY; DOUGLAS S. CHIN,
LIEUTENANT GOVERNOR, STATE OF HAWAII,
IN HIS OFFICIAL CAPACITY; F.M.
SCOTTY ANDERSON, CHAIRPERSON, ELECTIONS COMMISSION,
IN HIS OFFICIAL CAPACITY; SCOTT NAGO,
CHIEF ELECTION OFFICER, IN HIS OFFICIAL CAPACITY,
Defendants-Appellees.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 18-1-1326-08 (JPC))

ORDER DISPOSING OF STIPULATION TO DISMISS AND MOTION TO DISMISS
(By: Fujise, Presiding Judge, Leonard and Chan, JJ.)

Upon consideration of the December 28, 2018

"Stipulation to Dismiss Appeal with Prejudice" by Plaintiffs-Appellants City and County of Honolulu, County of Hawaii, and County of Kauai; and Defendants-Appellees David Y. Ige, Governor, State of Hawaii; Douglas S. Chin, Lieutenant Governor, State of Hawaii; F.M. Scotty Anderson, Chairperson, Elections Commission; and Scott T. Nago, Chief Election Officer; and "Motion to Dismiss Appeal Without Prejudice" by Plaintiff-

Appellant County of Maui (**County of Maui**), it appears the parties seek to dismiss the appeal, and once the dismissal becomes effective, see Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 36, jurisdiction will revert back to the First Circuit Court. See Korean Buddhist Dae Won Sa Temple of Hawaii v. Concerned Citizens of Palolo, 107 Hawai'i 371, 382, 114 P.3d 113, 124 (2005).

Therefore, IT IS HEREBY ORDERED that the stipulation is refused and the motion to dismiss is granted in part. The appeal is dismissed as moot in light of the supreme court's opinion in SCPW-18-0000733, and jurisdiction reverts back to the First Circuit Court once dismissal becomes effective.

DATED: Honolulu, Hawai'i, January 23, 2019.

Presiding Judge

Associate Judge

Associate Judge