

NO. CAAP-18-0000888

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STAR-BEACHBOYS, INC., Plaintiff-Appellant, v. CITY AND COUNTY OF HONOLULU; WENDY K. IMAMURA, in her official capacity as Purchasing Administrator, Department of Budget and Fiscal Services, City and County of Honolulu; NELSON H. KOYANAGI, JR., in his official capacity as Director of the Department of Budget and Fiscal Services, City and County of Honolulu; GUY H. KAULUKUKUI, in his official capacity as Director of the Department of Enterprise Services, City and County of Honolulu; CHARLIAN WRIGHT, in her official capacity as a representative of the Department of Enterprise Services, City and County of Honolulu; and its Director, DIVE OAHU, INC., a domestic profit corporation; JOHN DOES 1-20; JANE DOES 1-20; DOE PARTNERSHIPS, CORPORATIONS OR OTHER ENTITIES 1-20, Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 18-1-0635-04 (DEO))

ORDER GRANTING MOTION TO DISMISS APPEAL

(By: Reifurth, Presiding Judge, Chan and Hiraoka, JJ.)

Upon consideration of the Stipulation for Dismissal of Appeal, filed April 18, 2019, by Plaintiff-Appellant Star-Beachboys, Inc., the papers in support, and the record, it appears that (1) the appeal has been docketed; (2) the parties stipulate to dismiss the appeal under Hawaii Rules of Appellate Procedure (HRAP) Rule 42(b); (3) the stipulation is dated and signed by counsel for all parties appearing in the appeal; and

(4) HRAP Rule 42(b) requires parties to specify the terms as to payment of costs, which the instant stipulation fails to do. Nonetheless, the court will construe the instant stipulation as a motion to dismiss the appeal, under HRAP Rule 42(b), and grant the requested relief.

Therefore, IT IS HEREBY ORDERED that the motion to dismiss the appeal is granted, and the appeal is dismissed.

DATED: Honolulu, Hawai'i, April 24, 2019.

Presiding Judge

Associate Judge

Associate Judge