

NO. CAAP-19-0000283

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

ASSOCIATION OF APARTMENT OWNERS OF THE HAWAII KAI
PENINSULA and BOARD OF DIRECTORS OF THE
ASSOCIATION OF APARTMENT OWNERS OF THE HAWAII KAI
PENINSULA, an Unincorporated Association, BY ITS
BOARD OF DIRECTORS, Plaintiffs-Appellees, v.
PENINSULA HAWAII KAI, LLC, a Hawaii Limited
Liability Company; HEARTHSTONE, INC., a California
Corporation; STANFORD CARR DEVELOPMENT, LLC, a
Hawaii Limited Liability Company, Defendants/
Cross-Claim Plaintiffs-Appellants, and HAWAIIAN
DREDGING CONSTRUCTION COMPANY, INC., a Hawaii
Corporation; ROBERT M. KAYA BUILDERS, INC., a
Hawaii Corporation, Defendants/Cross-Claim
Plaintiffs-Appellants, and MVE & PARTNERS, INC., a
California Corporation, Defendant/Cross-Claim
Defendant-Appellee, and TOFT WOLFF FARROW, INC., a
California Corporation, Defendant/Cross-Claim
Plaintiff-Appellee, and INTERNATIONAL
ARCHITECTURAL GROUP LLC, also known as
INTERNATIONAL ARCHITECTURAL PRODUCTS, INC.,
INTERNATIONAL WINDOW-NORTHERN CALIFORNIA,
INTERNATIONAL WINDOW CORPORATION, INTERNATIONAL
WINDOW-ARIZONA, INC., UNITED STATES ALUMINUM
CORPORATION, UNITED STATES ALUMINUM CORPORATION
CAROLINA, RACO INTERIOR PRODUCTS, INC.,
INTERNATIONAL EXTRUSION CORPORATION, INTERNATIONAL
EXTRUSION CORPORATION-TEXAS, AND/OR INTERNATIONAL
ALUMINUM CORPORATION, Defendants/Cross-Claim
Defendants-Appellees, and FORTIFIBER CORPORATION
doing business as FORTIFIBER BUILDING SYSTEMS
GROUP, a California Corporation, Defendant/
Cross-Claim Defendant-Appellee, and SIKA
CORPORATION doing business as SIKA CORPORATION
U.S., a New Jersey Corporation, MV&P INTERNATIONAL
INC., a California Corporation, Defendants-
Appellees, and AECOM PACIFIC, INC., a Delaware

Corporation, formerly known as M&E PACIFIC, INC.,
a Delaware Corporation, AECOM, a Delaware
Corporation, also known as AECOM TECHNOLOGY
CORPORATION, Defendants/Cross-Claim
Defendants-Appellees, and GEOLABS, INC., a Hawaii
Corporation, WHITE CAP CONSTRUCTION SUPPLY, INC.,
a Delaware Corporation, also known as WHITE CAP
CONSTRUCTION SUPPLY AND WIRE PRODUCTS OF HAWAII,
WIRE PRODUCTS OF HAWAII, INC., a Hawaii
Corporation, also known as WPI, INC.,
Defendants-Appellees, and JOHN DOES 7-250,
Defendants

AND

MV&E PARTNERS, INC., a California Corporation; MV&P
INTERNATIONAL, INC., a California Corporation,
Third-Party Plaintiffs-Appellees, v. ARCHITECTURE
20/20, INC., a Hawaii Corporation; ALAKEA DESIGN
GROUP, LLC, A Hawaii Limited Liability Company;
JAMES K. TSUGAWA; MICHAEL J. KUJUBU, Third-Party
Defendants- Appellees, and JOHN DOES 1-10,
Third-Party Defendants.

AND

PENINSULA HAWAII KAI, LLC, a Hawaii Limited Liability
Company; HEARTHSTONE, INC., a California
Corporation; STANFORD CARR DEVELOPMENT, LLC, a
Hawaii Limited Liability Company, Third-Party
Plaintiffs- Appellants, v. MV&P INTERNATIONAL,
INC., Third-Party Defendant/Cross-Claim
Defendant-Appellee

AND

FORTIFIBER CORPORATION doing business as FORTIFIBER
BUILDING SYSTEMS GROUP, Third-Party
Plaintiff/Counterclaim Defendant-Appellee, v. ALII
GLASS & METAL, INC., Third-Party Defendant/
Counterclaim Plaintiff-Appellant, and DOE
THIRD-PARTY DEFENDANTS 1-100, Third-Party
Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 10-1-1751)

ORDER APPROVING STIPULATION TO DISMISS APPEAL

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

Upon consideration of the Stipulation for Dismissal of
Appeal With Prejudice, filed July 16, 2019, by Plaintiffs-

Appellees Association of Apartment Owners of the Hawaii Kai Peninsula and Board of Directors of Association of Apartment Owners of the Hawaii Kai Peninsula, Defendants/Crossclaim Plaintiffs/Third-Party Plaintiffs-Appellants Peninsula Hawaii Kai, LLC, Hearthstone, Inc., Stanford Carr Development, LLC, Defendants/Cross-Claim Defendants/Cross-Claim Plaintiffs/Appellants Hawaiian Dredging Construction Company, Inc., Robert M. Kaya Builders, Inc., Third-Party Defendant/Counterclaim Plaintiff-Appellant Alii Glass & Metal, Inc., Third-Party Defendants-Appellees Alakea Design Group, LLC, and Michael J. Kujubu, the papers in support, and the record, it appears that (1) the appeal has been docketed; (2) the parties stipulate to dismiss the appeal with prejudice and "bear their own attorneys' fees and costs, except to the extent provided in the Final Settlement Agreement and Release of All Claims"; (3) the stipulation is dated and signed by counsel for all parties appearing in the appeal; and (4) dismissal is authorized by Hawai'i Rules of Appellate Procedure Rule 42(b).

Therefore, IT IS HEREBY ORDERED that the stipulation to dismiss the appeal is approved and the appeal is dismissed with prejudice. The parties shall bear their own attorneys' fees and costs, except to the extent provided in the Final Settlement Agreement and Release of All Claims.

DATED: Honolulu, Hawai'i, July 26, 2019.

Chief Judge

Associate Judge

Associate Judge