

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