

NOS. CAAP-16-0000060 and CAAP-16-0000409

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

CAAP-16-0000060

FLORENCE PUANA, INDIVIDUALLY AND AS TRUSTEE OF THE FLORENCE M. PUANA SEMI-REVOCABLE TRUST DATED SEPTEMBER 15, 1992; GERARD K. PUANA, INDIVIDUALLY, AND AS TRUSTEE OF THE GERARD K. PUANA REVOCABLE TRUST DATED JANUARY 19, 2007, Plaintiffs-Appellants/Cross-Appellees, v. KATHERINE P. KEALOHA, INDIVIDUALLY AND KATHERINE P. KEALOHA, AS FORMER TRUSTEE OF THE GERARD K. PUANA, REVOCABLE TRUST, DATED JANUARY 19, 2007, Defendants-Appellees/Cross-Appellants

AND

CAAP-16-0000409

FLORENCE PUANA, INDIVIDUALLY AND AS TRUSTEE OF THE FLORENCE M. PUANA SEMI-REVOCABLE TRUST DATED SEPTEMBER 18, 1992, GERARD K. PUANA, INDIVIDUALLY, AND AS TRUSTEE OF THE GERARD K. PUANA REVOCABLE TRUST, DATED JANUARY 19, 2007, Plaintiffs, Counterclaim-Defendants/Appellants, Cross-Appellees, and Appellants, v. KATHERINE P. KEALOHA, INDIVIDUALLY, AND KATHERINE P. KEALOHA AS FORMER TRUSTEE OF THE GERARD K. PUANA REVOCABLE TRUST, DATED JANUARY 19, 2007, Defendants, Counterclaim Plaintiffs/Appellees, Cross-Appellants, and Appellees

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 13-1-0686)

ORDER DISMISSING APPEAL

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

Upon consideration of Plaintiffs-Appellants/Cross-Appellees Florence Puana and Gerard K. Puana's (the Puanas) December 6, 2019 motion to dismiss this appeal based on Hawai'i

Rules of Appellate Procedure 42(b), the lack of opposition, and the record, it appears that: (1) on October 30, 2019, the circuit court granted the Puanas' motion for new trial; (2) in light thereof, on December 6, 2019, this court ordered the parties, in the form of a supplemental brief, to show cause why this appeal should not be dismissed; (3) the Puanas filed their motion to dismiss later that same day; and (4) still later that same day Defendants-Appellees/Cross-Appellants Katherine P. Kealoha, individually and as former Trustee of the Gerard K. Puana Revocable Trust dated January 19, 2007 filed a supplemental brief stating she had no position as to whether the appeal should be dismissed as moot.

Therefore, IT IS HEREBY ORDERED that, CAAP-16-0000060 and CAAP-16-0000409 are dismissed as moot with each party to bear their own costs and fees. No further response to the December 6, 2019 Order to Show Cause is necessary.

DATED: Honolulu, Hawai'i, December 19, 2019.

Chief Judge

Associate Judge

Associate Judge