

**Electronically Filed  
Intermediate Court of Appeals  
CAAP-18-0000902  
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NO. CAAP-18-0000902

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

ANTHONY S. BARDIN; GREG ALLEN, SR. and GREG ALLEN, JR.;  
THOMAS J. BROOKS; JENNIFER S. BROOKS; MICHAEL CHANDLER;  
KIRBY B. GUYER; MILTON SEARLES; JOHN R. HOFF TRUST;  
LORNA E. HOFF TRUST; MICHAEL L. KAISER; TODD SCHRIM;  
JOHN WARK and SHANNON WARK, Appellants-Appellants,  
v.

PLANNING DEPARTMENT OF THE COUNTY OF KAUAI/  
PLANNING COMMISSION OF THE COUNTY OF KAUAI,  
KIMO KEAWE, in his official capacity as Chairperson  
of the Planning Commission, Appellees-Appellees  
and  
BARBARA ROBESON and CAREN DIAMOND, Intervenors-Appellees.

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
(CIVIL NO. 17-1-0181)

ORDER GRANTING MOTION TO DISMISS APPEAL WITH PREJUDICE  
AS TO APPELLANTS JOHN WARK AND SHANNON WARK;  
MICHAEL CHANDLER; JOHN R. HOFF TRUST AND LORNA E. HOFF TRUST  
(By: Leonard, Presiding Judge, and Chan and Wadsworth, JJ.)

Upon consideration of (1) the September 24, 2020  
"Motion for Dismissal of Appeal as to Appellants John Wark and  
Shannon Wark; Michael Chandler; John R. Hoff Trust and Lorna E.  
Hoff Trust" (motion to dismiss); (2) the September 30, 2020  
statement of no position to the motion to dismiss, filed by  
Appellees Planning Department of the County of Kaua'i/Planning  
Commission of the County of Kaua'i, Kimo Keawe, in His Official  
Capacity as Chairperson of the Planning Commission; and (3) the  
record, it appears that the Dismissing Appellants move to dismiss  
the appeal as to themselves, with prejudice. Therefore,

**NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS OR THE PACIFIC REPORTER**

IT IS HEREBY ORDERED that the motion to dismiss is granted and the appeal is dismissed with prejudice as to the Dismissing Appellants only, pursuant to Hawai'i Rules of Appellate Procedure Rule 42(b) .

DATED: Honolulu, Hawai'i, October 28, 2020.

/s/ Katherine G. Leonard  
Presiding Judge

/s/ Derrick H.M. Chan  
Associate Judge

/s/ Clyde J. Wadsworth  
Associate Judge