

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NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS OR THE PACIFIC REPORTER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