

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-19-0000850

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

HIGHMARK CAPITAL LLC and THE ASSOCIATION OF UNIT OWNERS
OF HALE MALUNIU, Plaintiffs-Appellees, v.
LOUISIANA-PACIFIC CORPORATION, Defendant-Appellant,
and COULTER CONSTRUCTION INC.; CLIFFORD PLANNING
AND ARCHITECTURE LLC; KAI HAWAI'I STRUCTURAL AND FORENSIC
ENGINEERS; DOES 1-100, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 19-1-0888-06)

ORDER APPROVING STIPULATION TO DISMISS APPEAL
(By: Ginoza, Chief Judge, Chan and Wadsworth, JJ.)

Upon consideration of the "Stipulation for Dismissal Pursuant to Rule 42(b) of the Hawaii Rules of Appellate Procedure" (**Stipulation**), filed August 7, 2020, by Defendant-Appellant Louisiana-Pacific Corporation, the papers in support, and the record, it appears that (1) the appeal has not been docketed; (2) pursuant to Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 42(b), the parties appearing in the appeal stipulate to dismiss the appeal with prejudice and bear their own costs and attorneys' fees; (3) the Stipulation is dated and signed by counsel for all parties appearing in the appeal; and (4) because the appeal has not been docketed, dismissal is authorized by HRAP Rule 42(a).

Therefore, IT IS HEREBY ORDERED that the Stipulation is approved under HRAP Rule 42(a), and the appeal is dismissed with

prejudice. The parties shall bear their own attorneys' fees and costs on appeal.

DATED: Honolulu, Hawai'i, October 14, 2020.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Derrick H.M. Chan
Associate Judge

/s/ Clyde J. Wadsworth
Associate Judge