

NO. CAAP-20-0000719

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAI'I

HO'OLEHUA HOUSING, LP doing business as  
LOKAHI APARTMENTS, Plaintiff-Appellee, v.  
ANTON PHILIPP, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT  
NORTH AND SOUTH KONA DIVISION  
(CIVIL NO. 3DRC-20-0001427)

ORDER APPROVING STIPULATION TO DISMISS APPEAL

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

Upon consideration of the "Stipulation for Dismissal With Prejudice of Anton Philipp's Appeal From 1) Order Granting Motion for Partial Summary Judgment on the Issue of Possession Filed October 20, 2020; and 2) Order and Finding Contained in the Minutes and Transcript of the November 17, 2020 Hearing on Defendant's Motion for Reconsideration of Court's Order Granting Plaintiff's Motion for Partial Summary Judgment on the Issue of Possession, Filed on November 20, 2020" (**Stipulation to Dismiss Appeal**), filed December 15, 2020, by Plaintiff-Appellee Ho'olehua Housing LP, the papers in support, and the record, it appears that (1) the appeal has not been docketed; (2) the parties stipulate to dismiss the appeal with prejudice and bear their own attorneys' fees and costs; (3) the Stipulation to Dismiss Appeal

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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(a).

Therefore, IT IS HEREBY ORDERED that the Stipulation to Dismiss Appeal is approved and the appeal is dismissed with prejudice. The parties shall bear their own attorneys' fees and costs.

IT IS FURTHER ORDERED that all pending motions are dismissed.

DATED: Honolulu, Hawai'i, December 21, 2020.

/s/ Lisa M. Ginoza  
Chief Judge

/s/ Katherine G. Leonard  
Associate Judge

/s/ Clyde J. Wadsworth  
Associate Judge