

NO. CAAP-21-0000379

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

FIRST HAWAIIAN BANK, Plaintiff-Appellee, v.
TARA BOSKOFF PALMER, Defendant-Appellant,
LAKEVIEW LOAN SERVICING, LLC, Defendant-Appellee,
JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10;
DOE CORPORATIONS 1-10; DOE ENTITIES 1-10;
DOE GOVERNMENTAL UNITS 1-10, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CIVIL NO. 2CC191000040)

ORDER GRANTING IN PART MOTION TO DISMISS APPEAL
(By: Ginoza, Chief Judge, Nakasone and Fujise, JJ.)

Upon consideration of the July 26, 2021 Motion to Dismiss Appeal (motion) by Defendant-Appellant Tara Boskoff Palmer (Appellant), the papers in support, and the record, it appears that Appellant requests her appeal be dismissed pursuant to a settlement with Plaintiff-Appellee First Hawaiian Bank on the condition that this court remand the case to the circuit court for further proceedings.

"[T]he withdrawal [of an appeal] not only terminat[es] the appellate proceedings and restore[s] the lower court's jurisdiction . . . and operated instantly as a matter of law to vacate the appeal as far as the decree and rights of the parties were concerned precisely as though no appeal had been taken, there being an absence of statute to the contrary in this territory." Jay v. Jay 37 Haw. 34, 37 (Terr. 1944); see also, Solarana v. Indus. Elecs., Inc., 50 Haw. 22, 31, 428 P.2d 411, 417-18 (1967) quoting Jay ("Plaintiff's withdrawal of the prior

appeal operated 'precisely as though no appeal had been taken.'"). There appears good cause to grant in part Appellant's motion to dismiss and an order of remand is denied as unnecessary.

Therefore, IT IS HEREBY ORDERED that the case is dismissed. All other requested relief is denied.

DATED: Honolulu, Hawai'i, September 29, 2021.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Karen T. Nakasone
Associate Judge

/s/ Alexa D.M. Fujise
Associate Judge