

NO. CAAP-22-0000008

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

PAUL J. SCHLATHER, Trustee of the Paul J. Schlather Revocable Trust dated February 5, 1999, as amended, ROBERT BRET HYTER, JOHN W. HAGEY and SONIA J. MAZUREK, Trustees of the GCL Revocable Trust dated December 11, 2021, GERALD LEONARD GALLAGHER and AMY SUSAN GALLAGHER, ROBERT SAMUEL PHILIPSON and JUSTINE DENEMARK PHILIPSON, SHEEHAN PROPERTY, LLC, a South Dakota Domestic Limited Liability Company, JOSEPH WESLEY SHEEHAN and PATRICIA ELIZABETH SHEEHAN, Plaintiffs-Appellants, v. BOARD OF DIRECTORS OF THE ASSOCIATION OF APARTMENT OWNERS OF POIPU KAPILI, Defendant-Appellee, and JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10; DOE CORPORATIONS 1-10; AND DOE ENTITIES 1-10, Defendants.

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CASE NO. 5CCV-21-0000033)

ORDER APPROVING STIPULATION FOR DISMISSAL

(By: Leonard, Presiding Judge, Hiraoka and McCullen, JJ.)

Upon consideration of the August 4, 2022 Stipulation for Dismissal with Prejudice (Stipulation) filed by Plaintiffs-Appellants Paul J. Schlather, Trustee of the Paul J. Schlather Revocable Trust dated February 5, 1999, as amended, Robert Bret Hyter, John W. Hagey and Sonia J. Mazurek, Trustees of the GCL Revocable Trust dated December 11, 2021, Gerald Leonard Gallagher and Amy Susan Gallagher, Robert Samuel Philipson and Justine Denemark Philipson, Sheehan Property, LLC, Joseph Wesley Sheehan and Patricia Elizabeth Sheehan (Appellants), the papers in support, and the record, it appears that:

(1) the appeal has been docketed;

(2) pursuant to Hawai'i Rules of Appellate Procedure Rule 42(b), the parties stipulate to dismiss the appeal with prejudice and with each party to bear its own attorneys' fees and costs; and

(3) the Stipulation is dated and signed by counsel for all parties appearing in the appeal.

IT IS HEREBY ORDERED that the Stipulation is approved, and the appeal is dismissed with prejudice. Each party shall bear its own attorneys' fees and costs.

DATED: Honolulu, Hawai'i, August 8, 2022.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge