

NO. CAAP-17-0000714

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

DAVID COWAN and NATHALIE COWAN; UMANG P. GUPTA and
RUTH M. GUPTA, as Trustees of the Umang and Ruth Gupta
Trust under Trust Agreement dated January 18, 2000; and
PAUOA BEACH 8 LLC, a Hawaii Limited Liability Company,
Plaintiffs-Appellants,

and

ROARING LION, LLC, a Montana Limited Liability Company;
ROGER A. GREENWALD and JENNIFER A. HURWITZ,
Plaintiffs-Appellees,

vs.

PAUOA BAY PROPERTIES LLC, a Delaware Limited Liability
Company; WHITE SAND BEACH LIMITED PARTNERSHIP, a Delaware
Limited Partnership; EXCLUSIVE RESORTS PBL1, LLC, a
Delaware Limited Liability Company; PAUOA BEACH REALTY LLC,
a Hawaii Limited Liability Company; EXCLUSIVE RESORTS PBL3,
LLC, a Delaware Limited Liability Company; JOHN DOES 1-50,
Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 04-1-0332)

ORDER APPROVING THE JANUARY 19, 2023
STIPULATION TO DISMISS WITH PREJUDICE
PLAINTIFFS-APPELLANTS/CROSS-APPELLEES UMANG P. GUPTA
AND RUTH M. GUPTA, AS TRUSTEES OF THE UMANG AND RUTH
GUPTA TRUST UNDER TRUST AGREEMENT DATED JANUARY 18, 2000
(By: Leonard, Presiding Judge, Wadsworth and McCullen, JJ.)

Upon consideration of the Stipulation to Dismiss With Prejudice Plaintiffs-Appellants/Cross-Appellees Umang P. Gupta and Ruth M. Gupta, as Trustees of the Umang and Ruth Gupta Trust Under Trust Agreement dated January 18, 2000 (**collectively "Guptas"**), filed on January 19, 2023 (**Stipulation**), and the records and files herein,

IT IS HEREBY ORDERED that the Stipulation is approved, and the appeal is dismissed as to all claims asserted by the Guptas against Defendant-Appellee/Cross-Appellant Exclusive Resorts PBL1, LLC and Defendant-Appellee Exclusive Resorts PBL3, LLC (**collectively "ER"**) and all claims asserted by ER against the Guptas, with said parties to bear their own attorneys' fees and costs.

All other claims between the parties in this action are not affected by the Stipulation.

DATED: Honolulu, Hawai'i, January 24, 2023.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge