

NOS. CAAP-18-0000629 AND CAAP-18-0000706

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

YOSHIKO KOBAYASHI,¹ Plaintiff-Appellant/Cross-Appellee, v.
CITY AND COUNTY OF HONOLULU, Defendant/Cross-Claim
Defendant/Cross-Claim Plaintiff-Appellee/Cross-Appellee, and
STATE OF HAWAII, Defendant/Cross-Claim Plaintiff/
Cross-Claim Defendant-Appellee/Cross-Appellant, and
JOHN DOES 1-10; JANE DOES 1-10; DOE CORPORATIONS 1-10;
DOE PARTNERSHIPS 1-10, AND
DOE GOVERNMENTAL ENTITIES 1-10, Defendants.

CITY AND COUNTY OF HONOLULU, a Municipal Corporation organized
and existing under the laws of the State of Hawaii,
Third-Party Plaintiff/Counterclaim Defendant-
Appellee/Cross-Appellee, v.
STATE OF HAWAII, Third-Party Defendant/Counterclaim
Plaintiff/Cross-Claim Defendant-Appellee/Cross-Appellant,
and FINISH LINE PROPERTIES, LLC., Third-Party Defendant/
Cross-Claim Plaintiff/Counterclaim Plaintiff-Appellee/
Cross-Appellee, and DOE DEFENDANTS 1-100,
Third-Party Defendants.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 14-1-0921)

¹ Pursuant to this court's Order entered on January 10, 2023, Yoshiko Kobayashi (**Kobayashi**) as the duly appointed Personal Representative of Shizuko Matsuda's estate in Probate No. 1-CLP-22-0000942, was substituted as plaintiff in this case.

ORDER APPROVING STIPULATION TO DISMISS APPEAL

(By: Ginoza, Chief Judge, McCullen, J.,
and Circuit Court Judge Kubota)

Upon consideration of Plaintiff-Appellant/Cross-Appellee Yoshiko Kobayashi's and Defendant/Cross-Claim Plaintiff/Cross-Claim Defendant-Appellee/Cross-Appellant State of Hawaii's (**State**) January 11, 2023 "Stipulation to Dismiss Appeal" (**Stipulation to Dismiss**), the papers in support, and the record and files herein, it appears that:

- (1) On January 11, 2023, Kobayashi's counsel (**Counsel**) and the State filed the Stipulation to Dismiss pursuant to Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 42(b);
 - a. The Stipulation to Dismiss states Kobayashi and the State "are the only remaining parties to the appeal and cross-appeal";
 - b. "The parties stipulate that each party will bear their own fees and costs"; and
 - c. The Stipulation to Dismiss is dated and signed by Counsel and the State's counsel.
- (2) This appeal was docketed on September 27, 2018.
- (3) No payment is due.

The Stipulation to Dismiss complies with HRAP Rule 42(b) (providing in part that if "parties to a docketed appeal or other proceeding sign and file a stipulation for dismissal, specifying the terms as to payment of costs and" pay the fees that are due, "the case shall be dismissed upon approval by the appellate court").

Therefore, IT IS HEREBY ORDERED that the Stipulation to Dismiss is granted.

DATED: Honolulu, Hawai'i, January 26, 2023.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Sonja M.P. McCullen
Associate Judge

/s/ Peter K. Kubota
Circuit Court Judge