

NO. CAAP-22-0000406

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

JEFFREY SCOTT GOOLD, Plaintiff-Appellant, v.
HAWAIIAN ELECTRIC COMPANY, INC.; HAWAIIAN ELECTRIC INDUSTRIES,
INC.; ELIZABETH DEER; SHANA M. BUCO, Defendants-Appellees, and
JOHN DOES 1-10; JANE DOES 1-10; DOE CORPORATIONS 1-10;
DOE PARTNERSHIPS 1-10; DOE ENTITIES 1-10; and
DOE GOVERNMENTAL ENTITIES 1-10, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1CCV-21-0000216)

ORDER GRANTING MOTION TO DISMISS APPEAL
(By: Leonard, Presiding Judge, McCullen and Chan, JJ.)

Upon consideration of self-represented Plaintiff-Appellant Jeffrey Scott Goold's (**Goold**) March 2, 2023 Notice of Withdrawal Under Objection, which the court construes as a motion to dismiss the appeal under Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 42(b)¹ (**Motion**), the papers in support, and the record, it appears that:

¹ Though Goold states that he does not wish to dismiss the appeal, but rather, to give notice that he "withdraws" it under objection, there is no rule in the HRAP permitting an appellant to unilaterally withdraw an appeal by giving notice, or to move to dismiss an appeal "under objection." Indeed, Goold seeks—in substance—to abandon his appeal, and "it is the substance of a motion that should control rather than the title." Khaleghi v. Indymac Ventures, LLC, No. CAAP-15-0000486, 2016 WL 4268709, at *4 (App. Aug. 11, 2016) (Mem.).

- (1) The appeal has been docketed;
- (2) Goold seeks to abandon his appeal;
- (3) All appearing parties agree to a dismissal; and
- (4) Dismissal of the appeal is authorized by HRAP

Rule 42(b).

Therefore, IT IS HEREBY ORDERED that the Motion is granted and the appeal is dismissed.

IT IS FURTHER ORDERED that all pending motions are dismissed.

DATED: Honolulu, Hawai'i, March 31, 2023.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Sonja M.P. McCullen
Associate Judge

/s/ Derrick H.M. Chan
Associate Judge