

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-22-0000599

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

AUTO STATION, LLC, dba JETSO AUTO CENTER;
RAY DONG, Plaintiffs-Appellees, v.
DAN MOSS; COASTSIDE FINANCIAL AND INSURANCE AGENCY,
Defendants/Third-Party Plaintiffs-Appellants, and
ARTHUR GALVAN; MARIA F. NEMOTO; JARATH J. SETCAR,
Defendants-Appellees, and
DOUGLAS T. FORTNER, dba CENTURY 21 LIBERTY HOMES,
Third-Party Defendant-Appellee, and
JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10;
DOE CORPORATIONS 1-10; ROE NON-PROFIT CORPORATIONS 1-10; and
ROE GOVERNMENTAL ENTITIES 1-10, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1CC171001169)

ORDER GRANTING MOTION TO WITHDRAW APPEAL

(By: Ginoza, Chief Judge, Wadsworth and Guidry, JJ.)

Upon consideration of Defendants/Third-Party Plaintiffs-Appellants Dan Moss and Coastsid Financial and Insurance Agency's February 15, 2023 Motion to Withdraw Appeal With Prejudice (Motion), Plaintiffs-Appellees Auto Station LLC dba Jetso Auto Center (Jetso Auto Center) and Ray Dong's (Dong) June 19, 2023 Requested Attorneys Fees and Costs, the papers in support, opposition, and reply, and the record,¹

¹ Gale L. F. Ching, counsel for Jetso Auto Center and Dong, and Jason H. Fieman, counsel for Third-Party Defendant-Appellee Douglas T. Fortner dba Century 21 Liberty Homes, are cautioned a second time in this appeal that the flyleaf of each separately filed document shall include a three-inch top margin, or a three-inch-by-three-inch space in the top right corner of the flyleaf. Hawai'i Rules of Appellate Procedure Rule 32(a).

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

IT IS HEREBY ORDERED that the Motion is granted. The appeal is dismissed with prejudice.

IT IS FURTHER ORDERED that Jetso Auto Center and Dong's request for attorney's fees and costs on appeal is denied.

DATED: Honolulu, Hawai'i, June 28, 2023.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge