

**Electronically Filed
Supreme Court
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SCOT-22-0000149

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

IN THE MATTER OF

CONNECTIONS NEW CENTURY PUBLIC CHARTER SCHOOL AND COMMUNITY
BASED EDUCATION SUPPORT SERVICES,

APPLICATION FOR SPECIAL PERMIT APPLICATION NO. 12-000138,

TMK (3)2-5-006:141; KAŪMANA, SOUTH HILO, HAWAI‘I.

APPEAL FROM THE LAND USE COMMISSION
(DOCKET NO. SP21-413 (Agency Appeal))

ORDER GRANTING MOTION TO DISMISS APPEAL
(By: Recktenwald, C.J., McKenna, and Eddins, JJ.,
Circuit Judge Browning and Circuit Judge Malinao,
assigned by reason of vacancies)

Upon consideration of Appellant Community Based
Education Support Services' Motion to Voluntarily Dismiss Appeal
(Motion), filed on June 29, 2023, the statement of no objection
filed on June 30, 2023, and the record, Appellant moves for
dismissal of the appeal and states there are no costs taxable in
this appeal. There has been no opposition to the Motion.

Although the Motion seeks dismissal pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 42(b), this appeal has not been docketed because the record on appeal has not been filed. HRAP Rule 42(a) thus applies. Accordingly,

IT IS HEREBY ORDERED that the Motion is granted pursuant to HRAP Rule 42(a) and the appeal is dismissed.

IT IS FURTHER ORDERED that Cross-Appellant Jeffrey Gomes shall, within fourteen days of this order, file either: (1) a motion or stipulation to dismiss the cross-appeal; or (2) a request for transcripts pursuant to HRAP Rules 4.1(c) and 4.1(d).

DATED: Honolulu, Hawai'i, September 11, 2023.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ R. Mark Browning

/s/ Clarissa Y. Malinao

