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Intermediate Court of Appeals
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NO. CAAP-20-0000743

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

ASSOCIATION OF APARTMENT OWNERS OF THE WINDWARD PASSAGE,
by its Board of Directors, Plaintiff-Appellee, v.
SHEREE HEKE, Defendant-Appellant,
THE ESTATE OF WALTER DIXON; JOHN DOES 1-10; JANE DOES 1-10;
DOE PARTNERSHIPS 1-10; AND DOE CORPORATIONS 1-10,
Defendants-Appellees.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1CC171001088)

ORDER APPROVING STIPULATION FOR DISMISSAL OF APPEAL
(By: Ginoza, Chief Judge, Hiraoka and McCullen, JJ.)

Upon consideration of Plaintiff-Appellee Association of Apartment Owners of Windward Passage's (**Association**) and Self-represented Defendant-Appellant Sheree Heke's (**Heke**) November 27, 2023 "Stipulation for Dismissal of Appeal with Prejudice" (**Stipulation to Dismiss**), the papers in support, and the record and files, it appears that:

(1) On November 27, 2023, Association and Heke filed a Stipulation to Dismiss pursuant to Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 42(b);

a. The Stipulation to Dismiss states Association and Heke stipulate that Heke's "appeal to the Intermediate Court of Appeals of the State of [Hawai'i] from the Final Judgment filed in Civil No. 17-1-1088-07 on November 5, 2020 is hereby dismissed with prejudice";

b. The Stipulation to Dismiss also states "each party will bear its own attorney's fees and costs"; and

c. The Stipulation to Dismiss is dated and signed by Heke and counsel for all parties appearing in the appeal;

(2) This appeal was docketed on February 2, 2021.

(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 ORDERED that the Stipulation to Dismiss is approved and the appeal is dismissed with prejudice. The parties shall bear their own attorney's fees and costs on appeal.

DATED: Honolulu, Hawai'i, December 20, 2023.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge