

Electronically Filed
Intermediate Court of Appeals
CAAP-21-0000443
18-MAR-2024
08:01 AM
Dkt. 76 OGMD

NO. CAAP-21-0000443

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

ASSOCIATION OF APARTMENT OWNERS OF THE PEARL RIDGE
GARDENS AND PEARL RIDGE TOWER, Plaintiff-Appellant,
v.
SAGEWATER aka PHOENIX RENOVATION CORP. dba SAGEWATER,
IOPONO HOLDING GROUP, LLC dba THE BERGEMAN PROJECT
GROUP, DANA BERGEMAN, ROBERT SMOLIK, NAOMI MATHRE,
Defendants-Appellees,
and
JOHN DOES 1-100, JANE DOES 1-100, DOE PARTNERSHIPS 1-100,
DOE CORPORATIONS 1-100, and DOE ENTITIES 1-100,
Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1CCV-20-0000794)

ORDER

(By: Wadsworth, Presiding Judge, Nakasone and McCullen, JJ.)

Upon consideration of Plaintiff-Appellant Association of Apartment Owners of the Pearl Ridge Gardens and Pearl Ridge Tower's (**AOAO**) February 13, 2024 Motion to Dismiss Appeal (**Motion**), the papers in support, Defendant-Appellee Sagewater aka Phoenix Renovation Corp. dba Sagewater's (**Sagewater**) February 15, 2024 "Statement of No Opposition" to the Motion, and the record, it appears that:

- (1) the appeal has been docketed;

(2) AOA O requests that this court dismiss AOA O's appeal with prejudice under Hawaii Rules of Appellate Procedure (**HRAP**) Rule 42(b), which Sagewater does not oppose; and

(3) no other party to the case has made an appearance in the appeal or responded to the Motion.

IT IS HEREBY ORDERED that the Motion is granted, and the appeal is dismissed with prejudice pursuant to HRAP Rule 42(b). The parties shall bear their own attorney's fees and costs on appeal.

DATED: Honolulu, Hawai'i, March 18, 2024.

/s/ Clyde J. Wadsworth
Presiding Judge

/s/ Karen T. Nakasone
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge