

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-21-0000127

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

JOHN ROE NO. 91, Plaintiff-Appellee,
v.

ST. FRANCIS MEDICAL CENTER, a domestic nonprofit corporation,
Defendant/Third-Party Plaintiff-Appellant, and JANE DOES 1-10;

DOE CORPORATION 1-10; DOE PARTNERSHIPS 1-10; DOE NON-PROFIT
ENTITIES 1-10; and DOE GOVERNMENTAL ENTITIES 1-10, Defendants,
and

KAMEHAMEHA SCHOOLS/BERNICE PAUAHI BISHOP ESTATE;
ELLIOT K. MILLS; CRYSTAL K. ROSE; JENNIFER N. GOODYEAR-
KA'ŌPUA; MICHELLE KA'UHANE and ROBERT K.W.H NOBRIGA, in their
capacity as Trustees of the Estate of Bernice Pauahi Bishop,¹ and
RICHARD D. GRONNA, as personal representative of the ESTATE OF
ROBERT MCCORMICK BROWNE, Third-Party Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CASE NO. 1CCV-20-0000605)

ORDER APPROVING STIPULATION TO DISMISS APPEAL
(By: Hiraoka, Presiding Judge, McCullen and Guidry, JJ.)

Upon consideration of the Stipulation for Dismissal of
Appeal With Prejudice (**Stipulation to Dismiss**), filed June 14,
2024, by Defendant/Third-Party Plaintiff-Appellant St. Francis

¹ Pursuant to Hawaii Rules of Evidence Rule 201 and Hawai'i Rules of Appellate Procedure Rule 43(c)(1), we take judicial notice that Jennifer N. Goodyear-Ka'ōpua and Michelle Ka'uhane are current Trustees of the Estate of Bernice Pauahi Bishop and are automatically substituted as Third-Party Defendants-Appellees in place of Micah A. Kane and Lance K. Wilhelm.

Medical Center, and Third-Party Defendant-Appellees Kamehameha Schools/Bernice Pauahi Bishop Estate, and Elliot K. Mills, Crystal K. Rose, Jennifer N. Goodyear-Ka'ōpua, Michelle Ka'uhane, and Robert K.W.H. Nobriga, in their capacity as Trustees of the Estate of Bernice Pauahi Bishop, the papers in support, and the record and files, it appears that: (1) the appeal has been docketed and filing fees paid; (2) the Stipulation to Dismiss is dated and signed by counsel for all parties appearing in this appeal;² (3) the parties agree to dismiss the appeal with prejudice, and that each party shall bear their own attorneys' fees and costs incurred on appeal; and (4) dismissal is authorized by Hawai'i Rules of Appellate Procedure Rule 42(b).

Therefore, IT IS HEREBY ORDERED that the Stipulation to Dismiss is approved and the appeal is dismissed with prejudice. The parties shall bear their own attorneys' fees and costs on appeal.

DATED: Honolulu, Hawai'i, August 27, 2024.

/s/ Keith K. Hiraoka
Presiding Judge

/s/ Sonja M.P. McCullen
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge

² The briefing period has expired, and Plaintiff-Appellee John Roe No. 91 (**John Roe**) and Third-Party Defendant-Appellee Richard D. Gronna, as personal representative of the Estate of Robert McCormick Browne (**Gronna**) have not filed briefs. We thus construe John Roe and Gronna as nominal parties, and do not require their counsels' signatures on the Stipulation to Dismiss.