

**Electronically Filed
Supreme Court
SCAP-22-0000482
13-SEP-2024
12:48 PM
Dkt. 56 ORD**

SCAP-22-0000482
(Consolidated with SCAP-22-0000571 and SCAP-23-0000330)

IN THE SUPREME COURT OF THE STATE OF HAWAII

SCAP-22-0000482
(CAAP-22-0000482; CASE NO. 5CCV-22-0000021)

BRYAN GERALD,
Appellant-Appellant,
vs.
EMPLOYMENT SECURITY APPEALS REFEREES' OFFICE;
UNEMPLOYMENT INSURANCE DIVISION; and HEALTH GO MARKET, INC.,
Appellees-Appellees.

SCAP-22-0000571
(CAAP-22-0000571; CASE NO. 2CCV-21-0000398)

ADAM GRAY,
Appellant-Appellee,
vs.
UNEMPLOYMENT INSURANCE DIVISION,
Appellee-Appellant.

SCAP-23-0000330
(CAAP-23-0000330; CASE NO. 2CCV-21-0000397)

ADAM GRAY,
Appellant-Appellant,
vs.
UNEMPLOYMENT INSURANCE DIVISION,
Appellee-Appellee.

APPEALS FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
AND CIRCUIT COURT OF THE SECOND CIRCUIT

ORDER OF DISMISSAL

(By: Recktenwald, C.J., McKenna, Eddins, Ginoza, and Devens, JJ.)

Upon consideration of the Stipulation Requesting Clarification and For Dismissal of SCAP-22-0000482, SCAP-22-0000571, and SCAP-23-0000330 (Stipulation for Dismissal), filed on September 4, 2024, on behalf of the Director of Labor and Industrial Relations (DLIR), Bryan Gerald (Gerald), and Adam Gray (Gray), and the record:

1. The parties stipulate to dismiss SCAP-22-0000482, SCAP-22-0000571, and SCAP-23-0000330;

2. In a prior stipulation to dismiss, filed on July 25, 2024, the parties stipulated to vacate certain orders by the circuit courts in SCAP-23-0000330 and SCAP-22-0000482, and to remand all three cases to the Employment Security Appeals Referees' Office (ESARO);

3. In an order filed on July 31, 2024, we temporarily remanded SCAP-23-0000330 (Case No. 2CCV21-0000397) to the Second Circuit Court, and temporarily remanded SCAP-22-0000482 (Case No. 5CCV-22-0000021) to the Fifth Circuit Court, so that the parties could request that relevant orders and/or judgments by the respective circuit court be vacated;

4. On August 6, 2024, during temporary remand from this court, the Second Circuit Court issued an order that vacated its prior order and final judgment, and ordered remand to the ESARO in Case No. 2CCV-21-0000397, related to SCAP-23-0000330;

5. On August 7, 2024, during temporary remand from this court, the Fifth Circuit Court issued an order that vacated its prior order and final judgment, and ordered remand to the ESARO in Case No. 5CCV-22-0000021, related to SCAP-22-0000482; and

6. Previously, the Second Circuit Court issued an order on August 12, 2022, and a final judgment on August 31, 2022, in Case No. 2CCV-21-0000398 related to SCAP-22-0000571, which remanded that case to the ESARO.

Therefore, IT IS HEREBY ORDERED that:

A. Given the stipulation filed on September 4, 2024, the temporary remand period has concluded and jurisdiction is now in this court;

B. The appeals in SCAP-22-0000482, SCAP-22-0000571, and SCAP-23-0000330 are dismissed, with each party to bear their own costs and fees incurred in these appeals;

C. Each of the three cases are remanded to the ESARO; and

D. The appellate clerk shall serve a copy of this order on the Second Circuit Court clerk and the Fifth Circuit Court clerk.

DATED: Honolulu, Hawai'i, September 13, 2024.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Lisa M. Ginoza

/s/ Vladimir P. Devens

