

**Electronically Filed
Intermediate Court of Appeals
CAAP-23-0000288
05-DEC-2024
08:13 AM
Dkt. 52 OAWST**

NO. CAAP-23-0000288

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

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

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CASE NO. 2CCV-21-0000396)

ORDER

(By: Leonard, Acting Chief Judge, Hiraoka and McCullen, JJ.)

Upon review of the "**Stipulation** to Dismiss and Remand this Case to Second Circuit Court" filed by Appellee-Appellee **Director** of Labor and Industrial Relations on November 19, 2024, the papers in support, and the record, it appears that:

1. The appeal has been docketed;
2. The Director and Appellant-Appellant Adam **Gray** seek to dismiss this appeal in light of Dean v. Department of Education, 154 Hawai'i 298, 550 P.3d 1156 (2024), which the parties state may or may not be applicable to this case;
3. The Stipulation also states, among other things, that the Director and Gray "stipulate to request the Second Circuit Court to remand the case to ESARO [the Employment Security Appeals Referees' Office] for a supplemental hearing on the merits and decision on the merits, which shall not include timeliness";

4. Hawai'i Rules of Civil Procedure Rule 60(b)(6) provides an appropriate vehicle to accomplish the parties' stated goal after this appeal is dismissed;

5. The parties stipulate to bear their own attorneys' fees and costs under Hawai'i Rules of Appellate Procedure Rule 42(b); and

6. The Stipulation is dated and signed by counsel for all parties appearing in the appeal.

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

DATED: Honolulu, Hawai'i, December 5, 2024.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge