

**Electronically Filed
Intermediate Court of Appeals
CAAP-26-0000040
08-MAY-2026
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NO. CAAP-26-0000040

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

AMGUARD INSURANCE COMPANY; AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA; STANDARD GUARANTY INSURANCE COMPANY; NTERINSURANCE EXCHANGE OF THE AUTOMOBILE CLUB; 21ST CENTURY CENTENNIAL INSURANCE COMPANY; FARMERS INSURANCE EXCHANGE; FARMERS PROPERTY AND CASUALTY INSURANCE COMPANY; FIRE INSURANCE EXCHANGE; FOREMOST INSURANCE COMPANY GRAND RAPIDS, MICHIGAN; MID-CENTURY INSURANCE COMPANY; FIRST FIRE & CASUALTY INSURANCE OF HAWAII, INC.; FIRST INDEMNITY INSURANCE OF HAWAII, INC.; FIRST INSURANCE COMPANY OF HAWAII, LTD.; FIRST SECURITY INSURANCE OF HAWAII, INC.; ZEPHYR INSURANCE COMPANY, INC.; HAWAIIAN INSURANCE AND GUARANTY COMPANY, LTD.; ISLAND INSURANCE COMPANY, LTD.; TRADEWIND INSURANCE COMPANY, LTD.; ISLAND PREMIER INSURANCE COMPANY, LTD.; CRESTBROOK INSURANCE COMPANY; NATIONAL CASUALTY COMPANY; NATIONWIDE GENERAL INSURANCE COMPANY; NATIONWIDE MUTUAL INSURANCE COMPANY; SCOTTSDALE INSURANCE COMPANY; PRIVILEGE UNDERWRITERS RECIPROCAL EXCHANGE; GCUBE INSURANCE SERVICES, INC.; HCC INSURANCE HOLDINGS, INC.; NATIONAL LIABILITY AND FIRE INSURANCE COMPANY; STILLWATER INSURANCE COMPANY; STILLWATER PROPERTY AND CASUALTY INSURANCE COMPANY; AMERICAN MODERN PROPERTY AND CASUALTY INSURANCE COMPANY; AMERICAN FAMILY HOME INSURANCE COMPANY; AMERICAN MODERN HOME INSURANCE COMPANY; CERTAIN UNDERWRITERS AT LLOYD'S LONDON SUBSCRIBING TO POLICY NUMBER W353E5230101; CERTAIN UNDERWRITERS AT LLOYD'S LONDON SUBSCRIBING TO POLICY NUMBER W2B1ED230401; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON AND INSURERS SUBSCRIBING TO POLICY NUMBER B0509BOWPN2251776; CERTAIN UNDERWRITERS AT LLOYD'S LONDON SUBSCRIBING TO POLICY NUMBER B080121322U23; CERTAIN UNDERWRITERS AT LLOYD'S LONDON SUBSCRIBING TO POLICY NUMBER W3432C220101; CERTAIN UNDERWRITERS AT LLOYD'S LONDON SUBSCRIBING TO POLICY NUMBER W34611230101; CERTAIN UNDERWRITERS AT LLOYD'S LONDON SUBSCRIBING TO POLICY NUMBER B1262PW0502723; CERTAIN UNDERWRITERS AT LLOYD'S LONDON SUBSCRIBING TO POLICY NUMBER W34507230101; NATIONAL FIRE & MARINE INSURANCE COMPANY; THE PRINCETON EXCESS AND SURPLUS LINES INSURANCE COMPANY; BRIDGEWAY INSURANCE COMPANY; GREAT LAKES INSURANCE SE; XL INSURANCE AMERICA, INC.; EVANSTON INSURANCE COMPANY; MARKEL AMERICAN INSURANCE COMPANY; MARKEL INSURANCE COMPANY, AS A SUBROGEE AND AS ASSIGNEE OF MARKEL BERMUDA

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LIMITED; CRESTMONT INSURANCE COMPANY; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER B0509PN2251799; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON AND INSURERS SUBSCRIBING TO POLICY NUMBER B0509PN2251784; LANDMARK AMERICAN INSURANCE COMPANY; COVINGTON SPECIALTY INSURANCE COMPANY; ENDURANCE AMERICAN INSURANCE COMPANY; HDI GLOBAL INSURANCE COMPANY; PALMS INSURANCE COMPANY, LTD.; DB INSURANCE CO., LTD.; ALLIED WORLD ASSURANCE COMPANY (U.S.) INC.; ALLIED WORLD NATIONAL ASSURANCE COMPANY; CERTAIN UNDERWRITERS AT LLOYD'S LONDON AND INSURERS SUBSCRIBING TO POLICY NUMBER B0509BOWPN2351286; RLI INSURANCE COMPANY; MT. HAWLEY INSURANCE COMPANY; U.S. SPECIALTY INSURANCE THROUGH CONTINENTAL UNDERWRITERS LTD. LLC; UNITED SPECIALTY INSURANCE COMPANY; CERTAIN UNDERWRITERS AT LLOYD'S AND OTHER INSURERS SUBSCRIBING TO BINDING AUTHORITY B604510568622023; CERTAIN UNDERWRITERS AT LLOYD'S SUBSCRIBING TO POLICY NUMBER VNB-CN 0005195-01; CERTAIN UNDERWRITERS AT LLOYD'S AND OTHER INSURERS SUBSCRIBING TO BINDING AUTHORITY B604510568622022; CERTAIN UNDERWRITERS AT LLOYD'S SUBSCRIBING TO POLICY NUMBER VNB-CN 0002028-04; INDEPENDENT SPECIALTY INSURANCE COMPANY; INTERSTATE FIRE & CASUALTY COMPANY; CERTAIN UNDERWRITERS AT LLOYD'S LONDON AND INSURERS SUBSCRIBING TO POLICY NUMBER B0509PN2251798; CERTAIN UNDERWRITERS AT LLOYD'S LONDON AND INSURERS SUBSCRIBING TO POLICY NUMBER B0509PN2252006; ECONOMY FIRE & CASUALTY COMPANY; HAWAII PROPERTY INSURANCE ASSOCIATION; MESA UNDERWRITERS SPECIALTY INSURANCE COMPANY; COLUMBIA CASUALTY COMPANY; CONTINENTAL CASUALTY COMPANY; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER B0509PN2351286ADB; ATLANTIC SPECIALTY INSURANCE COMPANY; STARSTONE NATIONAL INSURANCE COMPANY; STARR INDEMNITY & LIABILITY; CORE SPECIALTY; ARCH INSURANCE UK LIMITED; THE AVIVA GROUP; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON AND INSURERS SUBSCRIBING TO POLICY NUMBER UP2300060; BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY; CERTAIN UNDERWRITERS AT LLOYD'S LONDON AND INSURERS SUBSCRIBING TO POLICY NUMBER PTNAM2301115; CERTAIN UNDERWRITERS AT LLOYD'S LONDON SUBSCRIBING TO POLICY NUMBER B0509PN2351286AD; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER B1526016919000103; LIBERTY SURPLUS LINES INSURANCE COMPANY; MARKEL INSURANCE COMPANY; CERTAIN UNDERWRITERS AT LLOYD'S LONDON SUBSCRIBING TO POLICY NUMBER B1526016919600101; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER UP2306852; GENERAL SECURITY INDEMNITY COMPANY OF ARIZONA; CERTAIN UNDERWRITERS AT LLOYD'S LONDON SUBSCRIBING TO POLICY NUMBER B080112876U23; THE CHURCH INSURANCE COMPANY OF VERMONT; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER B1262PW0429423; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER B080112876U23; GARADE II LLC; ROCKVILLE RISK MANAGEMENT ASSOCIATES LLC; CRUM & FORSTER INDEMNITY COMPANY; THE NORTH RIVER INSURANCE COMPANY; UNITED STATES FIRE INSURANCE COMPANY; EVEREST INDEMNITY INSURANCE COMPANY; EVEREST NATIONAL INSURANCE COMPANY; ESSENTIA INSURANCE COMPANY; SPINNAKER INSURANCE COMPANY; JEWELERS MUTUAL INSURANCE COMPANY, Plaintiffs-Appellees,
and

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CONCERT SPECIALTY INSURANCE COMPANY; GENERAL CASUALTY COMPANY OF WISCONSIN; THE CINCINNATI INSURANCE COMPANY; UNIVERSAL PROPERTY & CASUALTY INSURANCE COMPANY; PENN-STAR INSURANCE COMPANY; UNITED NATIONAL INSURANCE COMPANY; NAUTILUS INSURANCE COMPANY; GREAT DIVIDE INSURANCE COMPANY; UNITED SERVICES AUTOMOBILE ASSOCIATION; USAA CASUALTY INSURANCE COMPANY; USAA GENERAL INDEMNITY COMPANY; GARRISON PROPERTY AND CASUALTY INSURANCE COMPANY; AMERICAN FAMILY CONNECT PROPERTY AND CASUALTY INSURANCE COMPANY; AMERICAN FAMILY MUTUAL INSURANCE COMPANY, S.I.; HOMESITE INSURANCE COMPANY; HOMESITE INSURANCE COMPANY OF CALIFORNIA; HOMESITE INSURANCE COMPANY OF THE MIDWEST; ACE AMERICAN INSURANCE COMPANY; BANKERS STANDARD INSURANCE COMPANY; CHUBB CUSTOM INSURANCE COMPANY; FEDERAL INSURANCE COMPANY; GREAT NORTHERN INSURANCE COMPANY; ILLINOIS UNION INSURANCE COMPANY; INDEMNITY INSURANCE COMPANY OF NORTH AMERICA; INSURANCE COMPANY OF NORTH AMERICA; VIGILANT INSURANCE COMPANY; WESTCHESTER SURPLUS LINES INSURANCE COMPANY; ERIE INSURANCE COMPANY; ERIE INSURANCE EXCHANGE; GOLDEN BEAR INSURANCE COMPANY; MITSUI SUMITOMO INSURANCE COMPANY OF AMERICA; MITSUI SUMITOMO INSURANCE USA INC.; PHARMACISTS MUTUAL INSURANCE COMPANY; AMERICAN GUARANTEE AND LIABILITY INSURANCE COMPANY; STEADFAST INSURANCE COMPANY; ZURICH AMERICAN INSURANCE COMPANY; HARTFORD UNDERWRITERS INSURANCE COMPANY; HARTFORD FIRE INSURANCE COMPANY; PHILADELPHIA INDEMNITY INSURANCE COMPANY; STARR SURPLUS LINES INSURANCE COMPANY; TOKIO MARINE AMERICA INSURANCE COMPANY; TRAVELERS EXCESS AND SURPLUS LINES COMPANY; THE TRAVELERS INDEMNITY COMPANY OF CONNECTICUT; THE STANDARD FIRE INSURANCE COMPANY; THE TRAVELERS HOME AND MARINE INSURANCE COMPANY; THE TRAVELERS INDEMNITY COMPANY OF AMERICA; THE TRAVELERS INDEMNITY COMPANY; TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA; NORTHFIELD INSURANCE COMPANY; WESTPORT INSURANCE CORPORATION; AXIS SURPLUS INSURANCE COMPANY; AMERICAN HALLMARK INSURANCE COMPANY OF TEXAS; STATE NATIONAL INSURANCE COMPANY; SWISS RE INTERNATIONAL SE (AUSTRALIA BRANCH); SWISS RE INTERNATIONAL SE (FRANCE BRANCH); SWISS RE CORPORATE SOLUTIONS ELITE INSURANCE CORPORATION; IRONSHORE SPECIALTY INSURANCE COMPANY; LIBERTY INSURANCE CORPORATION; LIBERTY MUTUAL FIRE INSURANCE COMPANY; LIBERTY MUTUAL INSURANCE COMPANY; LIBERTY MUTUAL PERSONAL INSURANCE COMPANY; SAFECO INSURANCE COMPANY OF AMERICA; SAFECO INSURANCE COMPANY OF ILLINOIS; AGCS MARINE INSURANCE COMPANY; ALLIANZ GLOBAL RISKS US INSURANCE COMPANY; AMERICAN AUTOMOBILE INSURANCE COMPANY; FIREMAN'S FUND INSURANCE COMPANY; ADVENTIST RISK MANAGEMENT, INC.; GENCON INSURANCE COMPANY OF VERMONT; TOKIO MARINE SPECIALTY INSURANCE COMPANY; CERTAIN INTERESTED UNDERWRITERS AT LLOYD'S SUBSCRIBING TO POLICY PG2203220; CERTAIN INTERESTED UNDERWRITERS AT LLOYD'S SUBSCRIBING TO POLICY PG2203891; SENTINEL INSURANCE COMPANY, LTD.; STATE FARM FIRE AND CASUALTY COMPANY; STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY; SWISS RE CORPORATE SOLUTIONS CAPACITY INSURANCE CORPORATION; SWISS RE CORPORATE SOLUTIONS AMERICA INSURANCE CORPORATION; HARLEYSVILLE INSURANCE COMPANY OF NEW YORK; HISCOX INSURANCE COMPANY, INC.; ASPEN SPECIALTY INSURANCE COMPANY; ALLSTATE FIRE AND CASUALTY INSURANCE COMPANY; ALLSTATE INDEMNITY COMPANY; ALLSTATE INSURANCE COMPANY; ALLSTATE PROPERTY AND CASUALTY INSURANCE COMPANY; ALLSTATE VEHICLE AND PROPERTY

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INSURANCE COMPANY; INTEGON NATIONAL INSURANCE COMPANY; CONVEX INSURANCE UK LTD.; CERTAIN UNDERWRITERS AT LLOYD'S AND VARIOUS NON LLOYD'S INSURERS SUBSCRIBING TO POLICIES PIV209015, PIV205089, PIV202904, PIV201596, PIV201325, PIV200359, PIV199831, PIV199736, PIV198096, PIV195519; PIV206402; HDI GLOBAL SPECIALTY SE, AS A SUBROGEE AND AS ASSIGNEE OF FIDELIS INSURANCE BERMUDA LIMITED AND ARGO RE LTD.; ARCH SPECIALTY INSURANCE COMPANY; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER B128430000BE22; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER PER22SPO0165; ACE PROPERTY AND CASUALTY INSURANCE COMPANY; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER SCH-2013339-6; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER SCH-2013361-6; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER SCH-2013251-6; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER SCH-2013314-6; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER SCH-2013231-7; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER SCH-2013252-6; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER SCH-2013230-7; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER SCH-2013268-6; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER SCH-2013492; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER TRIA223010; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER TRIA223049; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER TRIA222129; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0201179; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0202939; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0202207; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0200734; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0202850; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0103130; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0202765; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0101581; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0102996; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0101982; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0103264; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0103324; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0102651; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0301058; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0102521; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0300903; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0101806; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0203117; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0103030; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0103029; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON

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SUBSCRIBING TO POLICY NUMBER LL001HI0103251; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0102432; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0103187; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0103188; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0102965; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0102808; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0102277; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0103072; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0102418; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0102853; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0103026; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0103021; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0101702; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0103276; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0103217; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0103218; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0102185; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0102534; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0102535; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NUMBER LL001HI0102923;

AMERICAN ZURICH INSURANCE COMPANY; HDI GLOBAL SPECIALTY SE;
STATE FARM GENERAL INSURANCE COMPANY; STATE FARM LLOYDS;
GREAT AMERICAN SPIRIT INSURANCE COMPANY; LEXINGTON INSURANCE COMPANY; AIG SPECIALTY INSURANCE COMPANY; NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA; AMERICAN INTERNATIONAL GROUP UK LIMITED; COMMERCE AND INDUSTRY INSURANCE COMPANY; THE INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA,

Plaintiffs-Appellants,

v.

MAUI ELECTRIC COMPANY, LIMITED; HAWAIIAN ELECTRIC COMPANY, INC.; HAWAII ELECTRIC LIGHT COMPANY, INC.; HAWAIIAN ELECTRIC INDUSTRIES, INC.; HAWAIIAN TELCOM COMMUNICATIONS, INC.; HAWAIIAN TELCOM, INC.; SPECTRUM OCEANIC, LLC; TIME WARNER CABLE INFORMATION SERVICES, LLC; CHARTER COMMUNICATIONS, INC.; CHARTER COMMUNICATIONS HOLDING COMPANY, LLC; CHARTER COMMUNICATIONS HOLDINGS, LLC; CHARTER COMMUNICATIONS, LLC; CHARTER COMMUNICATIONS OPERATING, LLC; CINCINNATI BELL, INC.; TRUSTEES OF THE ESTATE OF BERNICE PAUAAHI BISHOP,

Defendants-Appellees,

and

DOE POWER UTILITIES 1-10; DOE TELECOMS 1-10; and DOE LANDOWNERS 1-10; DOES 1-200, Defendants.

AND

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MAUI ELECTRIC COMPANY, LIMITED; HAWAIIAN ELECTRIC COMPANY, INC.;
HAWAII ELECTRIC LIGHT COMPANY, INC.; and HAWAIIAN ELECTRIC
INDUSTRIES, INC., Cross Claim Plaintiffs-Appellees,
v.
HAWAIIAN TELCOM, INC.; CINCINNATI BELL, INC.; SPECTRUM OCEANIC,
LLC; CHARTER COMMUNICATIONS, INC.; ELLIOT KAWAIHO'OLANA MILLS,
CRYSTAL KAUILANI ROSE, JENNIFER NOELANI GOODYEAR KA'OPUA,
MICHELLE KA'UHANE, AND ROBERT K.W.H. NOBRIGA, EACH IN THEIR
CAPACITY AS TRUSTEES OF THE ESTATE OF BERNICE PAUHI BISHOP,
Cross Claim Defendants-Appellees,
and
DOE DEFENDANTS 1-200, Defendants.

AND

MAUI ELECTRIC COMPANY, LIMITED; HAWAIIAN ELECTRIC COMPANY, INC.;
HAWAII ELECTRIC LIGHT COMPANY, INC.; and HAWAIIAN ELECTRIC
INDUSTRIES, INC., Third Party Plaintiffs-Appellees,
v.
COUNTY OF MAUI; THE STATE OF HAWAII; THE HAWAII HOUSING FINANCE
AND DEVELOPMENT CORPORATION; WEST MAUI LAND COMPANY; WANEE LAND &
HOMES, LLC; and HOPE BUILDERS INC.,
Third Party Defendants-Appellees.

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CASE NO. 2CCV-24-0000950)

ORDER GRANTING MOTION TO DISMISS APPEAL

(By: Wadsworth, Presiding Judge, Guidry and Gluck, JJ.)

Upon consideration of the: (1) March 2, 2026
*Stipulation Re: Partial Dismissal under HRAP 42(b) of Certain
Appellants from the Second Amended Notice of Appeal to (1) The
Order Granting Defendants' Motion for Summary Judgment and to
Sever Opt-Out Subrogation Claims Into Individual Actions filed
December 15, 2025 as Dkt. 497 and (2) Final Judgment filed
December 30, 2025 as Dkt. 505 (March 2, 2026 Motion);*
(2) March 13, 2026 *Certain Appellants' Motion for Partial
Dismissal Under HRAP 42(b) of Certain Appellants from the Second
Amended Notice of Appeal [Dkt. 8] to (1) The Order Granting
Defendants' Motion for Summary Judgment and to Sever Opt-Out
Subrogation Claims Into Individual Actions filed December 15,
2025 as Dkt. 497 and (2) Final Judgment filed December 30, 2025
as Dkt. 505 (March 13, 2026 Motion);* (3) April 8, 2026 *Certain*

*Appellants' Motion to Dismiss Appeal Under HRAP 42(b) of Certain Appellants from the Second Amended Notice of Appeal [Dkt. 8] to (1) The Order Granting Defendants' Motion for Summary Judgment and to Sever Opt-Out Subrogation Claims Into Individual Actions filed December 15, 2025 as Dkt. 497 and (2) Final Judgment filed December 30, 2025 as Dkt. 505 (April 8, 2026 Motion); (4) April 10, 2026 Stipulation for Dismissal Under HRAP 42(b) of Remaining Appellants' Appeal of (1) The Order Granting Defendants' Motion for Summary Judgment and to Sever Opt-Out Subrogation Claims Into Individual Actions filed December 15, 2025 as Dkt. 497 and (2) Final Judgment filed December 30, 2025 as Dkt. 505 (April 10, 2026 Motion), the papers in support, and the record, it appears that all Plaintiffs-Appellants agree to dismiss their appeal, no parties object to the dismissal, and dismissal is authorized by Hawai'i Rules of Appellate Procedure Rule 42(b).*¹

Therefore, IT IS HEREBY ORDERED that the March 2, 2026 Motion, March 13, 2026 Motion, April 8, 2026 Motion and April 10, 2026 Motion are granted, and this appeal is dismissed with all parties bearing their own respective fees and costs.

DATED: Honolulu, Hawai'i, May 8, 2026.

/s/ Clyde J. Wadsworth
Presiding Judge

/s/ Kimberly T. Guidry
Associate Judge

/s/ Daniel M. Gluck
Associate Judge

¹ The court construes the March 2, 2026 Motion and April 10, 2026 Motion as motions because they do not include signatures from all parties.