

NO. 26700

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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JIM HOGG, Plaintiff-Appellee

vs.

GLENN NOBUKI MURAKAMI; ANN SUE ISOBE; WALTER JUNICHI MURAKAMI  
and ETSUKO MARUYAMA MURAKAMI, as Co-Trustees under that  
certain unrecorded Trust Agreement known as The Walter J.  
Murakami Trust dated December 20, 1989, and that certain  
unrecorded Trust Agreement known as The Etsuko M. Murakami  
Trust dated December 20, 1989,  
Defendants-Appellants

and

AMERICAN SAVINGS BANK, F.S.B.; JOSEPH E. SPADARO, individually  
and as Trustee under that certain Declaration of Trust dated  
October 3, 2000; JOHN NELSON SPADARO,  
Defendants-Appellees

and

JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10;  
DOE CORPORATIONS 1-10; DOE ENTITIES 1-10; and  
DOE GOVERNMENTAL UNITS 1-10,  
Defendants

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GLENN NOBUKI MURAKAMI and ANN SUE ISOBE,  
Counterclaimants-Appellants

vs.

JIM HOGG, Counterclaim Defendant-Appellee

and

JOSEPH E. SPADARO, individually and as Trustee under that  
certain Declaration of Trust dated October 3, 2000; JOHN NELSON  
SPADARO; MICHAEL DAVID SAKATANI; CHRISTINE MARIE SAKATANI; 808  
DEVELOPMENT LLC, a Hawai'i limited liability company,  
Additional Counterclaim Defendants-Appellees

and

LISA HOGG, and DOES "A" through "Z",  
Additional Counterclaim Defendants

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WALTER JUNICHI MURAKAMI and ETSUKO MARUYAMA MURAKAMI, as  
Co-Trustees under that certain unrecorded Trust Agreement  
known as The Walter J. Murakami Trust dated December 20, 1989,  
and that certain unrecorded Trust Agreement known as The  
Etsuko M. Murakami Trust dated December 20, 1989,  
Counterclaimants-Appellants

vs.

JIM HOGG, Counterclaim Defendant-Appellee

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JOHN NELSON SPADARO, Cross-Claimant-Appellee

vs.

GLENN NOBUKI MURAKAMI and ANN SUE ISOBE,  
Cross-Claim Defendants-Appellants

and

JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS  
1-10; DOE CORPORATIONS 1-10; DOE ENTITIES 1-10;  
AND DOE GOVERNMENTAL UNITS 1-10,  
Cross-Claim Defendants

and

MICHAEL DAVID SAKATANI, and CHRISTINE MARIE SAKATANI,  
Additional Cross-Claim Defendants-Appellees,

and

JOHN DOES 11-100; JANE DOES 11-100; DOE PARTNERSHIPS  
11-100; DOE CORPORATIONS 11-100; DOE ENTITIES 11-100;  
and DOE GOVERNMENTAL UNITS 11-100,  
Additional Cross-Claim Defendants

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APPEAL FROM THE FIRST CIRCUIT COURT  
(CIV. NO. 03-1-1712)

ORDER GRANTING APPELLANTS' MOTION TO  
DISMISS APPEAL PURSUANT TO SETTLEMENT AGREEMENT

(By: Moon, C.J., Levinson, Acoba, and Duffy, JJ.;  
and Circuit Judge Perkins, in place of Nakayama, J., recused)

Upon consideration of Appellants' motion to dismiss appeal pursuant to settlement agreement, the papers in support, and the records and files herein, it appears the parties have entered into a settlement agreement that includes an agreement to dismiss the appeal with the parties to bear their own attorney's fees and costs. Therefore,

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

DATED: Honolulu, Hawai'i, January 13, 2005.

Gary Victor Dubin  
for appellants on  
the motion