

NOT FOR PUBLICATION

NO. 25865

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

COFFEES OF HAWAII, INC., a Hawaii corporation
Plaintiff-Appellee,
v.

JOHN T. HAYS and SUSAN B. HAYS, Defendants-Appellants

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT,
HONOLULU DIVISION
(CIVIL CASE NO. 1RC02-1-3857)

K. HAMAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2005 OCT 28 AM 9:28

FILED

ORDER GRANTING APPELLANTS' MOTION TO DISMISS
WITH PREJUDICE PURSUANT TO MUTUAL RELEASE
(By: Burns, C.J., Foley and Fujise, JJ.)

Upon consideration of Defendants-Appellants John T. Hays' and Susan B. Hays' October 17, 2005 Motion to Dismiss with Prejudice Pursuant to Mutual Release, asking this court to dismiss their appeal filed on June 6, 2003, and no objection thereto having been filed by Plaintiff-Appellee Coffees of Hawaii, Inc.,

IT IS HEREBY ORDERED that the motion is granted and this appeal is dismissed with prejudice. Pursuant to the Mutual Release, each party shall bear its own costs and attorney's fees.

DATED: Honolulu, Hawaii, October 28, 2005.

John T. Hays and
Susan B. Hays,
Defendants-Appellants pro se,
on the motion

James A. Burns
Chief Judge

Geniel R. Foley
Associate Judge

Oliver W. Fujise
Associate Judge