

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 27106

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

TERRY ASTRO, and AUREA, INC., Plaintiffs-Appellants, v.
STATE OF HAWAI'I; DEPARTMENT OF AGRICULTURE OF THE
STATE OF HAWAI'I; BOARD OF AGRICULTURE OF THE STATE OF
HAWAI'I, Defendants-Appellees, and JOHN DOES 1-100;
JANE DOES 1-100; DOE CORPORATIONS 1-100; DOE NON-PROFIT
ORGANIZATIONS 1-100; and DOE GOVERNMENTAL ENTITIES 1-
100, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(Civ. No. 02-1-2342)

2008 SEP 29 PM 4:13
NORMA T. YARA
CIRCUIT COURT OF APPEALS
STATE OF HAWAI'I

FILED

ORDER DISMISSING APPEAL

(By: Foley, Presiding Judge, Fujise and Leonard, JJ.)

Upon consideration of: (1) the memorandum of the State of Hawai'i, the Department of Agriculture of the State of Hawai'i and the Board of Agriculture of the State of Hawai'i (State Appellees) in response to this court's order of August 4, 2008; (2) Plaintiffs-Appellants Terry Astro and Aurea, Inc.'s (Plaintiffs-Appellants) Memorandum Regarding Status; and (3) the records and files herein, it appears that: (1) the parties informed the court that Appellant Terry Astro passed away on March 5, 2008; (2) there has been no motion for substitution of party in accordance with Rule 43(a) of the Hawai'i Rules of Appellate Procedure; (3) Appellant Aurea, Inc. is no longer a corporation in good standing; and (4) the State Appellees and counsel for Plaintiffs-Appellants agree that there is no Plaintiff-Appellant to continue to prosecute this appeal and that dismissal of the appeal with the parties to bear their own costs and fees is appropriate. Therefore,

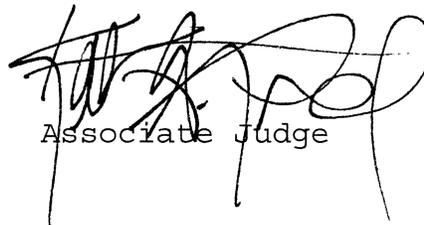
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IT IS HEREBY ORDERED that this appeal is dismissed with the parties to bear their own appellate costs and fees.

DATED: Honolulu, Hawai'i, September 29, 2008.


Daniel R. Foley
Presiding Judge


Associate Judge


Associate Judge