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NO. 27743

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

2008 DEC 31 AM 11:17
Joan Kikumoto
NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII
FILED

GEORGE'S AVIATION SERVICES, INC.; GEORGE HANZAWA and JENNIFER OKA, Plaintiffs-Appellees, v. XL SPECIALTY INSURANCE COMPANY, Defendant-Appellant, and MITCHELL HAYES; and NATALIE HAYES, Individually and as Personal Representative of the Estate of CHEZRAY Y. HAYES, Deceased, Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CIVIL NO. 05-1-0295(3))

ORDER DISMISSING APPEAL
(By: Recktenwald, C.J., Nakamura and Leonard, JJ.)

Upon consideration of: (1) the Stipulation for Dismissal of Appeal and for Remand to Circuit Court of the Second Circuit; and (2) the Status Report Regarding Stipulation for Dismiss of Appeal and for Remand to Circuit Court of the Second Circuit, the papers in support, and the records and files herein, it appears that: (1) the parties have settled this matter; (2) on December 16, 2008, this court issued an order remanding the case to the circuit court to enable the parties to submit their stipulation to the circuit court for its consideration, with directions that the parties file a status report regarding the outcome of the proceeding in the circuit court; (3) on December 23, 2008, the parties filed the status report and appended the order showing that the circuit court approved the stipulation to set aside and vacate the summary judgment orders filed on January 5, 2006, and the final judgment filed on February 15, 2006, and dismissed with prejudice all claims and parties.

Therefore, IT IS HEREBY ORDERED that based upon the foregoing, the stipulation to dismiss the appeal is approved and this appeal is dismissed. Each party shall bear its own attorney's fees and costs.

DATED: Honolulu, Hawai'i, December 31, 2008.

Chief Judge

Associate Judge

Associate Judge