

NO. 28444

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

RALPH T. KAM, as Custodian Under HUTMA for Catherine Emalani Mei Wen Kam; KATHLEEN L. SPOSATO, as Custodian Under HUTMA for Gianna C. Sposato; and TYLENE DUNBAR, Plaintiffs-Appellees, v. JOHN P. DUNBAR, JR., Defendant-Appellant, and HICKAM FEDERAL CREDIT UNION; GUENTER STETTER; and JOHN DOES 1-50, JANE DOES 1-50, DOE PARTNERSHIPS 1-50, DOE CORPORATIONS 1-50, DOE ENTITIES 1-50, and DOE GOVERNMENTAL UNITS 1-50, Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(Civ. No. 06-1-0298(3))

ORDER DISMISSING APPEAL

(By: Nakamura, C.J., Watanabe, and Foley, JJ.)

Upon consideration of the letter filed by Defendant-Appellant John P. Dunbar on December 15, 2009, the papers in support, and the records and files herein, it appears that (1) the parties settled the underlying matter and this appeal on May 28, 2008 pursuant to a Stipulated Settlement filed in the Circuit Court of the Second Circuit but failed to notify this court of the settlement; and (2) the Stipulated Settlement and the Settlement Agreement appended to Dunbar's letter confirm that the parties settled the underlying matter and the appeal, with the parties to bear their own attorney's fees and costs. Therefore,

IT IS HEREBY ORDERED that the appeal is dismissed, with the parties to bear their own attorney's fees and costs.

DATED: Honolulu, Hawaii, December 21, 2009.

On the briefs:

John P. Dunbar, Jr.,
Defendant-Appellant, pro se.

Chief Judge

Associate Judge

Ronald P. Tongg
(Tongg and Tongg)
for Plaintiffs-Appellees.

Associate Judge