

NO. 30037

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

BRIAN BENEVEDES, Individually and
as Personal Representative for the
ESTATE OF MICHELLE BENEVEDES, Deceased, et al.,
Plaintiffs-Appellants,

v.

GOVERNMENT EMPLOYEES INSURANCE COMPANY,
Defendants-Appellees,

and

TERRENCE DURATE; TONI DUARTE; TYLER DUARTE, et al.,
Defendants.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 08-1-2335)

ORDER

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

Upon consideration of the "Stipulation for Partial Dismissal with Prejudice of Appeal by and All Claims Asserted on Behalf of Plaintiffs 1) Brian Benevedes, individually and as Personal Representative for the Estate of Michelle Benevedes, Deceased, and as Prochein Ami of David Benevedes (minor) and Yvette Benevedes (minor), and 2) Thomas Benevedes [(the Benevedes Plaintiffs-Appellants)] Against Defendants Government Employees Insurance Company, Terrence Duarte, Toni Duarte, Tyler Duarte, and Tish Duarte" (Stipulation), the papers in support, and the records and files herein, it appears that:

1. On September 3, 2009, the Benevedes Plaintiffs-Appellants and Plaintiffs-Appellants Ronald Aila, Sr., Randall Aila, as Personal Representative of the Estate of Racquel Akau,

Deceased, Lawrence Akau, Jr., and Lawrence Akau, Sr., as Prochein Ami for Candace Akau (minor) (Aila/Akau Plaintiffs-Appellants) filed a joint notice of appeal;

2. In this Stipulation, the parties are stipulating to dismiss the appeal of the Benevedes Plaintiffs-Appellants, with the parties to bear their own attorneys' fees and costs; and

3. Upon approval of the Stipulation, only the appeal of the Aila/Akau Plaintiffs-Appellants will remain pending.

IT IS HEREBY ORDERED that the Stipulation is approved, and the appeal of the Benevedes Plaintiffs-Appellants is dismissed with prejudice, with the parties to bear their own attorneys' fees and costs.

DATED: Honolulu, Hawai'i, December 23, 2009.

Chief Judge

Associate Judge

Associate Judge