

NO. 24102

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

FILED
2005 NOV 28 AM 9:45
E.M. RICHARDS
CLERK, APPELLATE COURT
STATE OF HAWAII

WILLIAM SILVA; DANIEL MLAKAR; MICHAEL DUBBERSTEIN;
RICHARD CANN; ERNEST CORREIA; HENRY J. SILVA;
THOMAS C.S. HING, JR.; GLENN NOJIRI; JAMES KELLY,
JULIAN SHIROMA; ERROL ISHIMINE; JERRY COLOMA; BRADLEY
BALLESTEROS; ARLEN BENTO; MORTON CARTER; DENNIS CORREA; LODYBESY
GLORY; EARL HATADA; and BURTON YAMAGUCHI, Plaintiffs-Counter-
Defendants-Appellees, Cross-Appellants and Cross-Appellees

RODNEY AURELLO and WILLIAM LYMAN, Plaintiffs and Counter-
Defendants

vs.

COUNTY OF HAWAI'I, and COUNTY OF HAWAI'I POLICE DEPARTMENT, VICTOR
VIERRA, individually and in his official capacity as Chief of
Police for County of Hawaii; Defendants-Appellants and Cross-
Appellees

and

WAYNE CARVALHO, individually and in his official capacity as
Deputy Chief of Police and Chief of Police of the County of
Hawai'i, FRANCIS DEMORALES, individually and in his official
capacity as Assistant Chief of Police of the County of Hawai'i,
Defendants/Cross-Claimants/Cross-Defendants/Counterclaimants-
Cross-Appellant and Cross-Appellees

and

VICTOR VIERRA, individually and in his official capacity
as Chief of Police of the County of Hawai'i,
Defendant/Cross-Defendant/Counterclaimant/Cross-Claimant

and

WAYNE CARVALHO, individually and in his official capacity as
Deputy Chief of Police and Chief of Police of the County of
Hawai'i and VICTOR VIERRA, individually and in his official
capacity as Chief of Police of the County of Hawai'i, Third-Party
Plaintiffs and Counter-Defendants

vs.

GUY PAUL, individually and in his official capacity
as Chief of Police of the County of Hawai'i,
Third-Party Defendant and Counterclaimant

and

STATE OF HAWAI'I ORGANIZATION OF POLICE OFFICERS,
Third-Party Defendant

APPEAL FROM THE THIRD CIRCUIT COURT
(CIV. NO. 97-622)

ORDER GRANTING MOTION TO DISMISS APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon consideration of the motion to dismiss appeal filed by Defendant/Cross-Defendant/Appellant the County of Hawai'i, the papers in support, the objections to said motion by Defendant/Appellant Carvalho, and the records and files herein, it appears that: (1) settlement has been reached between all remaining plaintiffs and the County, the terms of which require the complete withdrawal of all claims by plaintiffs against all defendants and entail no admission of liability by the defendants; (2) the county has completed the payments required under the terms of the settlement; and (3) there are no other claims pending that constitute an adverse interest sufficient to render the appeal justiciable. Consequently, the pending appeals are moot. Therefore,

IT IS HEREBY ORDERED that the County of Hawai'i's motion to dismiss is granted, and this appeal is dismissed.

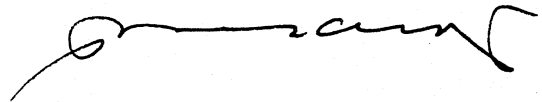
IT IS FURTHER ORDERED that attorney Gale L.F. Ching's motions in connection with this court's order to show cause as to why the motion to dismiss should not be granted are denied as moot.

DATED: Honolulu, Hawai'i, November 28, 2005.



Steven Levinson

Haima C. Nakamura



James E. Webb, Jr.