

NO. 27291

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

EMERILIANO  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

2005 AUG 17 AM 9:19

FILED

JACEK NOWICKI, Plaintiff-Appellant

vs.

UNUM INSURANCE COMPANY; PACIFIC INSURANCE; R.M. TOWILL  
CORP.; STATE OF HAWAI'I DEPARTMENT OF LABOR AND INDUSTRIAL  
RELATIONS; CITY AND COUNTY OF HONOLULU DEPARTMENT OF PUBLIC  
WORKS; AND JOHN DOES 1-5; JOHN DOE CORPORATIONS 1-5; JOHN DOE  
PARTNERSHIPS 1-5; ROE NONPROFIT CORPORATIONS 1-5; AND ROE  
GOVERNMENTAL AGENCIES 1-5, Defendants-Appellees

APPEAL FROM THE FIRST CIRCUIT COURT  
(CIV. NO. 03-1-0743)

ORDER

(By: Moon, C.J., Levinson, Nakayama, and Duffy, JJ.,  
and Intermediate Court of Appeals Judge Foley,  
in place of Acoba, J., recused)

Upon consideration of Plaintiff-Appellant Jacek  
Nowicki's motion to dismiss his appeal, the papers in support,  
and the records and files herein, it appears Appellant seeks to  
dismiss his appeal because the matter between the parties has  
been resolved. Therefore,

IT IS HEREBY ORDERED that the motion to dismiss is  
granted, and this appeal is dismissed pursuant to HRAP Rule  
42(b). The parties shall bear their own appellate fees and  
costs.

DATED: Honolulu, Hawai'i, August 17, 2005.

Arnold T. Phillips II  
for plaintiff-appellant  
on the motion

*[Handwritten signatures]*  
Steven H. Levinson  
James C. Nakayama  
Kamoa E. Duffy, Jr.  
Daniel R. Foley