

NO. 24364

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

JOSEPH SUGARMAN, Plaintiff/Counterclaim Defendant-Appellant,
KIHEI PARTNERS, LLC, and KIHEI POOL PARTNERS, LLC,
Plaintiffs-Appellants,

vs.

WAILEA RESORT COMPANY, LTD., Defendant/Counterclaimant Cross-
Claimant/Cross-Claim Defendant-Appellee,

DEFENDANT COUNTY OF MAUI,
Defendant/Cross-Claimant/Cross-Claim Defendant-Appellee,

WAILEA DEVELOPMENT COMPANY; WAILEA LAND CORPORATION nka WDCI,
INC.; ALEXANDER & BALDWIN, INC.; NORTHWESTERN MUTUAL LIFE
INSURANCE COMPANY, Defendants/Cross-Claim Defendants-Appellees

JOHN DOES 1-10; JANE DOES 1-10 DOE PARTNERSHIPS 1-10; DOE
CORPORATIONS 1-10; DOE ENTITIES 2 AND DOE AGENCIES 1-10,
Defendants

APPEAL FROM THE SECOND CIRCUIT COURT
(CIV. NO. 99-0219)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears this court informed appellant by letter dated February 22, 2002, that the time for filing the opening brief expired on February 11, 2002, and that pursuant to Rule 30 of the Hawai'i Rules of Appellate Procedure, the matter would be called to the attention of the court for such action as the court deemed proper including dismissal of the appeal. On January 22, 2002 and March 6, 2002, counsel for appellant indicated that a settlement had been

reached and the settlement documents were prepared and being circulated. However, having received no appropriate dismissal of the appeal,

IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, May 2, 2002.