

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