

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 29802

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

KENNETH P. BILLINGS, Claimant-Appellee, v.
STATE OF HAWAI'I, DEPARTMENT OF PUBLIC SAFETY, Employer-Appellant

APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD
(AB 2004-464(H))

ORDER GRANTING MOTION TO DISMISS APPEAL
(By: Nakamura, C.J., Foley and Leonard, JJ.)

Upon consideration of Employer-Appellant State of Hawaii, Department of Public Safety's Motion to Dismiss Appeal Pursuant to HRAP Rule 42(b) and the statement of no opposition to the dismissal filed by Claimant-Appellee Kenneth Billings,

IT IS HEREBY ORDERED that the motion to dismiss appeal is granted, and this appeal is dismissed without prejudice to Claimant-Appellee's pending request for attorney's fees and costs.

DATED: Honolulu, Hawai'i, January 14, 2010.

C. J. Nakamura

Chief Judge

Clifford R. Foley

Associate Judge

[Signature]
Associate Judge

DEPT. OF PUBLIC SAFETY
STATE OF HAWAII
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FILED