

**Electronically Filed
Intermediate Court of Appeals
CAAP-21-0000525
10-MAR-2022
09:10 AM
Dkt. 32 OGMD**

NO. CAAP-21-0000525

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

WILMINGTON TRUST, NATIONAL ASSOCIATION,
NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY IN ITS CAPACITY AS
TRUSTEE OF MFRA TRUST 2015-1, Plaintiff-Appellee, v.
DARRY MASATOSHI HASHIDA, Defendant-Appellant, and
BENEFICIAL FINANCIAL I INC.; UNITED STATES OF AMERICA;
STATE OF HAWAII, DEPARTMENT OF TAXATION;
VILLAGE PARK COMMUNITY ASSOCIATION, Defendants-Appellees, and
JOHN DOES 1-50; JANE DOES 1-50; DOE PARTNERSHIPS 1-50;
DOE CORPORATIONS 1-50; DOE ENTITIES 1-50; and
DOE GOVERNMENTAL UNITS 1-50, Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1CC121002843)

ORDER GRANTING MOTION TO DISMISS APPEAL

(By: Ginoza, Chief Judge, Leonard and McCullen, JJ.)

Upon consideration of the Stipulation for Dismissal With Prejudice (**Stipulation**), filed February 24, 2022, by Plaintiff-Appellee Wilmington Trust, National Association, not in Its Individual Capacity but Solely in Its Capacity as Trustee of MFRA Trust 2015-1, the papers in support, and the record, it appears that:

- (1) the appeal has been docketed;
- (2) the parties stipulate to dismiss the appeal with prejudice;
- (3) the Stipulation is dated and signed by counsel for all parties appearing in the appeal;
- (4) the record reflects that appellate filing fees were paid;

(5) the Stipulation does not specify the terms as to payment of costs, as set forth in Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 42(b); and

(6) because the requirements for a stipulation under HRAP Rule 42(b) have not been met, we construe the Stipulation as a motion under HRAP Rule 42(b).

Therefore, IT IS HEREBY ORDERED that the motion to dismiss is granted and the appeal is dismissed with prejudice.

DATED: Honolulu, Hawai'i, March 10, 2022.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Katherine G. Leonard
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge