

NO. 27479

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

FIDELITY NATIONAL TITLE INSURANCE COMPANY, a California corporation, Plaintiff-Appellee

vs.

DAMON SCHMIDT, Defendant-Appellant

and

INDYMAC BANK, a federal banking corporation, KALOKO II ASSOCIATION, a Hawaii non-profit corporation, KALOKO LANI TERRACE, an unincorporated association, COUNTY OF HAWAII, JOHN and JANE DOES 1-10, DOE PARTNERSHIPS, CORPORATIONS AND ENTITIES 1-10, and DOE GOVERNMENTAL UNITS 1-10, Defendants

2006 MAY -9 AM 8:46
KAWAHAU
HONOLULU
SUPERIOR COURT

FILED

APPEAL FROM THE THIRD CIRCUIT COURT
(CIV. NO. 03-1-0097K)

ORDER GRANTING PLAINTIFF-APPELLEE'S
SECOND MOTION TO DISMISS APPEAL

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

Upon consideration of Plaintiff-Appellee's second motion to dismiss appeal and the record herein,

IT IS HEREBY ORDERED the motion is granted and Defendant-Appellant's appeal is dismissed.

DATED: Honolulu, Hawai'i, May 9, 2006.

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James E. Duffy, Jr.