

NO. 28242

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

JAMES PFLUEGER, individually and in his representative capacity;
PFLUEGER PROPERTIES; PILA'A 400, LLC, Petitioners,

vs.

THE HONORABLE KATHLEEN WATANABE, Circuit Court Judge of the Fifth Circuit, State of Hawai'i; RICHARD MARVIN, III, and AMY MARVIN, individually and as Next Friend of IVY MAE MARVIN, SADIE MARVIN, SAVANNAH MARVIN and ANABELLE MARVIN, minors; WYLIE HURD; NICHOLAS FRED MARVIN, individually and as Next Friend of ALANA MARVIN; AARON MARVIN; BARBARA NELSON; JEFFREY MCBRIDE; MARETA ZIMMERMAN, individually and as Next Friend of TEVA DEXTER and LIKO MCBRIDE, minors, Respondents.

ORIGINAL PROCEEDING
(CIV. NO. 02-1-0068)

ORDER DISMISSING PROCEEDING

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

K. HAMAKAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAII
2006 NOV 21 AM 8:54

FILED

Upon consideration of petitioners' notice of withdrawal of the petition for a writ of mandamus and/or prohibition, which is deemed a motion for dismissal pursuant to HRAP 42(b),

IT IS HEREBY ORDERED that the motion for dismissal is granted and this proceeding is dismissed.

DATED: Honolulu, Hawai'i, November 21, 2006.

Wesley H.H. Ching,
Kathleen Douglas, and
Bonita Y.M. Chang (of
Fukunaga Matayoshi Hershey
& Ching, LLP) and
William C. McCorrison,
Lorraine H. Akiba, and
David J. Minkin (of
McCorrison Miller
Mukai MacKinnon LLP)
for petitioners







