

NO. 30350

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

In re: Trust of PATRICIA WARD WALTER, Deceased

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT  
(S.P. NO. 07-1-0062)

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 30  
(By: Nakamura, C.J., Foley and Ginoza, JJ.)

Upon review of the record, the court finds as follows:

Appellant Robert W. Walter (Appellant) filed a notice of appeal from an order entered on January 26, 2010 by the circuit Court of the Second Circuit. On June 17, 2010, the appellate clerk informed Appellant that the time to file the opening brief expired on June 5, 2010 and that the matter would be called to the attention of the court on June 24, 2010, and the appeal may be dismissed pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 30. On July 14, 2010, this court issued an order on: (a) Petitioners-Appellees' "Motion to Stay Appeal Pending Compliance With Order to Post Bond for Appellate Costs and Fees, or in the Alternative, to Dismiss Appeal for Failure to

Post Bond"; and (b) Appellant's "Motion for Stay of Lower Court Orders to Allow Appellant to File (1) Opening and Reply Briefs or, in the Alternative (2) a Delayed Notice of Appeal, Opening Brief, and Reply Brief or, in the Alternative (3) a New Notice of Appeal, Opening Brief and Reply Brief."

The July 14, 2010 order provides in relevant part as follows:

1. Appellant's motion for stay of lower court orders is denied without prejudice to Appellant seeking relief from the court appealed from in the first instance as provided by HRAP Rule 8(a).
2. The motion to stay appeal is granted in part. Unless otherwise stayed by the circuit court, Appellant shall, within thirty days from the date of this order, post the bond in accordance with the circuit court's April 28, 2010 order. Within forty days after posting the bond, Appellant shall file the opening brief.
3. Failure to post the bond or file the opening brief within the period set forth above may result in dismissal of the appeal.

Appellant did not file the opening brief or seek an extension of time to file the opening brief. Therefore,

IT IS HEREBY ORDERED that the appeal is dismissed pursuant to HRAP Rule 30.

DATED: Honolulu, Hawai'i, June 16, 2011.

Chief Judge

Associate Judge

Associate Judge