

NO. 30540

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

PAMELA MCLAUGHLIN, Petitioner-Appellee, v.
ALFRED NAPAHELUA SPINNEY and DARLENE UILANI KAY SPINNEY,
Respondents-Appellants

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 3SS-10-1-00010K)

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 11(c)(2)
(By: Nakamura, C.J., Foley and Reifurth, JJ.)

Upon review of the record, it appears that:

(1) on May 21, 2010, Defendants-Appellants Alfred Spinney and Darlene Uilani Kay Spiney (Appellants) filed a notice of appeal, but they did not pay the filing fee; (2) on August 5, 2010, the appellate clerk informed Appellant that the filing fee was not paid and that the record could not be filed without payment of the filing fee or an order allowing Appellants to proceed in forma pauperis pursuant to HRAP Rule 24 and the appeal may be

dismissed; (3) Appellants wrote to the appellate clerk acknowledging receipt of the letter, but Appellants took no further action; (4) on March 28, 2011, the appellate clerk informed Appellants that: (a) the filing fees were not paid; (b) the record could not be prepared and filed without payment of all fees or an order allowing Appellants to proceed in forma pauperis; and (c) the appellate court would be notified of the matter on April 7, 2011 for such action as the court deems proper, which may include dismissal of the appeal; and (5) thereafter, Appellants did not respond to the letter, or pay the filing fee, or submit a motion to proceed in forma pauperis. Therefore,

IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, October 21, 2011.

Chief Judge

Associate Judge

Associate Judge