

NO. CAAP-12-0000562

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

PETER THAYER AND SAM THAYER, Plaintiffs-Appellees, v.
MARGUERITE PENNINGTON, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIFTH CIRCUIT
(CASE NO. RC 10-1-079)

ORDER DISMISSING APPEAL

(By: Foley, Presiding Judge, Fujise and Ginoza, JJ.)

Upon review of the record, it appears that:

(1) on June 8, 2012, Defendant-Appellant Marguerite Pennington (Appellant Pennington) filed a notice of appeal, but she did not pay the filing fee; (2) on June 19, 2012, the appellate clerk informed Appellant Pennington that the filing fee was not paid and that she had not moved to proceed in forma pauperis; (3) the appellate clerk further informed Appellant Pennington that payment of the filing fee should be submitted by June 29, 2012

and that failure to pay would be called to the attention of the court for such action as the court deemed proper, including dismissal of the appeal; and (4) thereafter, Appellant Pennington did not pay the filing fee, submit a motion to proceed in forma pauperis, or respond to the notice.

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, July 18, 2012.

Presiding Judge

Associate Judge

Associate Judge