

NO. CAAP-12-0000683

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

KYLE B. AGUIAR, Claimant-Appellant v.
KAUAI FLOORS, INC., Employer-Appellee
and
FIRST INSURANCE COMPANY OF HAWAII, LTD.,
Insurance Carrier-Appellee
and
Special Compensation Fund, Appellee

APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD
(CASE NO. AB 2011-249K)

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

Upon review of the record, it appears that:

(1) On November 26, 2012, the court extended the due dates for Claimant-Appellant Kyle B. Aguiar (Appellant), pro se, to file a statement of jurisdiction and opening brief, respectively, to December 6 and 13, 2012;

(2) Appellant did not file either document;

(3) On January 10, 2013, the appellate clerk issued a notice of default, informing Appellant that the time for filing the statement of jurisdiction and opening brief had expired and, pursuant to Rule 30 of the Hawai'i Rules of Appellate Procedure (HRAP), the matter would be called to the court's attention that

same day, for such action as the court deems proper, which could include dismissal;

(4) On January 28, 2013, the appellate clerk issued an amended notice of default, informing Appellant that the time for filing the statement of jurisdiction and opening brief had expired and, pursuant to HRAP Rule 30, the matter would be called to the court's attention on February 7, 2013, for such action as the court deems proper, which could include dismissal;

(5) Thereafter, Appellant did not file the statement of jurisdiction or opening brief, and instead sought relief from default based upon unfamiliarity with court procedures;

(6) On February 14, 2013, the court granted Appellant relief from default of the statement of jurisdiction and opening brief, and extended the respective due dates to February 25 and 28, 2013. The court cautioned Appellant that no further extensions would be granted absent extraordinary circumstances, and failure to comply with the order may result in dismissal of the appeal; and

(7) Appellant filed an untimely statement of jurisdiction on February 26, 2013, but he has not filed an opening brief, or motion for extension or other relief. Therefore,

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

DATED: Honolulu, Hawai'i, April 3, 2013.

Chief Judge

Associate Judge

Associate Judge