

NO. CAAP-12-0000509

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

FIRST HORIZON HOME LOAN CORPORATION aka FIRST HORIZON HOME LOAN,  
a Division of Tennessee Bank National Association,  
Plaintiff/Counterclaim-Defendant/Appellee

v.

WILMER GALIZA and FLORDELIZA TAPAT GALIZA,  
Defendants/Counterclaim-Plaintiffs/Appellants,

and

DOE DEFENDANTS 1-10, Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT  
(CIVIL NO. 10-1-0629(2))

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 30

(By: Nakamura, C.J., Leonard and Ginoza, JJ.)

Upon review of the record, it appears that:

(1) On May 23, 2012, Defendants/Counterclaim-  
Plaintiffs/Appellants Wilmer D. Galiza and Flordeliza Tapat  
Galiza (Appellants) filed a notice of appeal;

(2) The record on appeal was filed April 5, 2013, and  
the appellate clerk informed Appellants that, among other things,

the opening brief was due by May 20, 2013;

(3) On May 14, 2013, the appellate clerk granted Appellants an extension of time for the opening brief to June 19, 2013;

(4) On June 24, 2013, the court granted Appellants a second extension of time for the opening brief to July 18, 2013;

(5) On July 29, 2013, the court granted in part Appellants' motion to discharge their appellate counsel, and temporarily remanded the matter to the circuit court to hear and determine a motion to discharge counsel. The court also granted Appellants a third extension of time for the opening brief to October 12, 2013, unless the time is otherwise extended pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 29(b);

(6) On August 30, 2013, the circuit court in the underlying case granted Appellants' motion to discharge counsel, and denied, for lack of jurisdiction, Appellants' "Motion to Allow Defendants Time to Hire Replacement Counsel, to Temporarily Appear as Pro Se and to Extend the Briefing Schedule";

(7) Appellants did not file an opening brief, or request an extension of time to do so;

(8) On November 14, 2013, the appellate clerk informed Appellants that the time for filing the opening brief had expired and, pursuant to HRAP Rule 30, the matter would be called to the court's attention on November 25, 2013, for such action as the court deems proper, which could include dismissal; and

(9) Thereafter, Appellants did not file the opening brief, or respond to the notice of default.

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

DATED: Honolulu, Hawai'i, December 17, 2013.

Chief Judge

Associate Judge

Associate Judge