

NO. CAAP-13-0000098

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

CNH CAPITAL AMERICA, LLC,  
a Delaware Limited Liability Corporation,  
Plaintiff/Counterclaim-Defendant/Appellee,  
v.  
BENNY ENRIQUEZ, JR. and LORI ENRIQUEZ,  
Defendants/Counterclaim Plaintiffs/Appellants,  
and  
John Does 1-20, et al.,  
Defendants

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BENNY ENRIQUEZ, JR. and LORI ENRIQUEZ,  
Defendants/Third-Party Plaintiffs/Appellants  
v.  
ALLIED MACHINERY CORPORATION,  
Third-Party Defendant/Appellee

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT  
(CIVIL NO. 10-1-179)

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

Upon review of the record, it appears that:

(1) On February 15, 2013, Defendants/Third-Party Plaintiffs/Appellants Benny Enriquez, Jr. and Lori Enriquez (Appellants) filed a notice of appeal;

(2) The record on appeal was filed on April 4, 2013, and the appellate clerk informed Appellants that the statement of jurisdiction was due by April 15, 2013, and the opening brief was due by May 14, 2013;

(3) Appellants did not file either document;

(4) On May 29, 2013, the appellate clerk informed Appellants 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, the matter would be called to the court's attention on June 10, 2013, for such action as the court deems proper, which could include dismissal; and

(5) Thereafter, Appellants did not file the statement of jurisdiction and opening brief, or respond to the notice of default. Therefore,

IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, June 28, 2013.

Chief Judge

Associate Judge

Associate Judge