

NO. CAAP-12-0001023

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

MCGRATH PROPERTIES, I, LLC a Hawaii limited liability company, and SUZANNE M. KITAMURA, as Custodian for DAF, a minor child, Plaintiffs/Counterclaim-Defendants/Appellants,

v.

ASSOCIATION OF APARTMENT OWNERS OF LIHUE TOWNHOUSE, Defendant/Counterclaim Plaintiff/Appellee,

and

CONRAD MURASHIGE; SHANNON BRUNNER; RAE NISHIKAWA; PATRICK MAHER; MARK MYERS; AND RE3, LLC, REAL ESTATE SERVICES, a Hawaii limited liability company, Defendants-Appellees

and

JOHN DOES 1-10, JANE DOES 1-10, DOE CORPORATIONS 1-10, DOE PARTNERSHIPS 1-10, AND DOE GOVERNMENTAL ENTITIES 1-10, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CIVIL NO. 10-1-0060)

ORDER GRANTING THE MAY 7, 2013 MOTION TO DISMISS APPEAL

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

Upon consideration of Defendants-Appellees AOA of Lihue Townhouse, Conrad Murashige, Shannon Brunner, Rae Nishikawa, Patrick Maher, Mark Myers, and RE3, LLC, Real Estate Services [(Appellees)] Motion to Dismiss Appeal by Plaintiff-

Appellant Suzanne Kitamura, Individually, filed May 7, 2013, the papers in support, the record and files herein, and there being no opposition, it appears that:

(1) On April 3, 2013, the court found Plaintiff-Appellant Suzanne Kitamura (Appellant Kitamura), who appeared as Custodian for DAF, a minor, may also have an individual interest in this appeal, granted Appellant Kitamura's March 25, 2013 pro se motion for a second extension to file an opening brief in her individual capacity, and extended the due date for that brief to May 3, 2013; and

(2) Thereafter, Appellant Kitamura did not file an opening brief in her individual capacity. Therefore,

IT IS HEREBY ORDERED that Appellee's motion to dismiss the appeal by Appellant Kitamura in her individual capacity is granted, and the appeal is dismissed.

DATED: Honolulu, Hawaii, May 21, 2013.

Chief Judge

Associate Judge

Associate Judge