

NO. CAAP-13-0000102

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

FEDERAL HOME LOAN MORTGAGE CORPORATION,
A CORPORATION ORGANIZED UNDER AN ACT OF CONGRESS
ON JULY 24, 1970, THROUGH THE ENACTMENT OF TITLE III
OF THE EMERGENCY HOME FINANCE ACT OF 1970, Plaintiff-Appellee,

v.

DOLORES WATTS, et al., Defendants-Appellants,
and
JOSHUA M. HUBBS, et al., Defendants-Appellants,
and
JOHN DOES, et al., Defendants

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
(CASE NO. 3RC12-1-746K)

ORDER

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

Upon consideration of the "Notice of Withdrawal of Appeal," filed May 1, 2013, by Defendants-Appellants Dolores C. Watts (Appellant Watts), Charles Legg III (Appellant Legg), and Blossom P. Thompson (Appellant Thompson) (collectively,

Appellants), through Appellant Legg, pro se, which the court will construe as a motion to dismiss the appeal, the papers in support, and the record and files herein, it appears that

(1) On February 20, 2013, Appellants filed a notice of appeal from the judgment and writ of possession filed by the district court on February 2, 2013;

(2) The notice of appeal was prepared, signed and filed by Appellant Legg, purportedly on behalf of all Appellants;

(3) The record on appeal was filed April 19, 2013;

(4) On May 1, 2013, Appellant Legg signed and filed the instant motion, purportedly on behalf of all Appellants;

(5) Under Hawai'i Revised Statutes §§ 605-2 (1993) and 605-14 (2012 Supp.), persons not licensed to practice law in Hawai'i "are not permitted to act as 'attorneys' and represent other natural persons in [their] causes." Oahu Plumbing and Sheet Metal, Ltd. v. Kona Construction, Inc., 60 Haw. 372, 377, 590 P.2d 570, 573 (1979);

(6) None of the appellants are attorneys licensed to practice law in the State of Hawai'i;

(7) As a party proceeding pro se, Appellant Legg is authorized to sign and file documents on his behalf but he may not sign and file documents on behalf of Appellants Watts or Thompson;

(8) The notice of appeal and the instant motion are valid as to Appellant Legg only;

(9) The notice of appeal is invalid as to Appellants Watts and Thompson;

(10) Appellants Watts and Thompson have not filed a valid notice of appeal, and the time to do so has expired. See Hawai'i Rules of Appellate Procedure (HRAP) Rule 4(a)(1); and

(11) Absent a valid notice of appeal by Appellants Watts and Thompson, we lack appellate jurisdiction over Appellants Watts' and Thompson's appeal. Therefore,

IT IS HEREBY ORDERED that the motion to dismiss the appeal is granted in part as to Appellant Charles Legg III, and the appeal is dismissed as to Appellant Charles Legg III, pursuant to HRAP Rule 42(b). The motion to dismiss the appeal is denied as to Appellants Dolores C. Watts and Blossom P. Thompson.

IT IS FURTHER ORDERED that the appeal is dismissed as to Appellants Dolores C. Watts and Blossom P. Thompson for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, May 16, 2013.

Chief Judge

Associate Judge

Associate Judge