

NO. CAAP-11-0000800

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

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.,
acting solely as nominee for AMERICAN SAVINGS BANK, F.S.B.,
Plaintiff-Appellee,

v.

KATHLEEN PATRICIA MORRIS, Defendant-Appellant,
and

DUFFY HERMAN, et al., Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CIVIL NO. 09-1-0868(2))

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

Upon review of the record, it appears that:

(1) On November 1, 2011, Defendant/Cross-Claim Defendant/Appellant Kathleen Patricia Morris (Appellant) filed a notice of appeal;

(2) The record on appeal was filed on April 29, 2013, and the appellate clerk informed Appellant that the opening brief was due by June 10, 2013;

(3) On June 10, 2013, the appellate clerk granted Appellant an extension of time for the opening brief to July 10, 2013;

(4) On July 8, 2013, Appellant filed a notice of withdrawal and substitution of counsel, substituting attorney Darren G. Russell for Paul J. Sulla;

(5) Appellant did not file the opening brief, or request an extension of time, by the July 10, 2013 due date;

(6) On August 1, 2013, the appellate clerk informed Appellant that the time for filing the 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 August 12, 2013, for such action as the court deems proper, which could include dismissal;

(7) The August 1, 2013 default notice was electronically served on Appellant's counsel, Darren G. Russell; and

(8) Thereafter, Appellant 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, September 4, 2013.

Chief Judge

Associate Judge

Associate Judge