

NO. CAAP-14-0000771

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

BANK OF AMERICA, N.A., Plaintiff-Appellee,
v.
LORI ANN CANITE, Defendant-Appellant,
and
AOAO OF HALE O PUMEHANA, Defendant-Appellee,
and
JOHN DOES 1-10, JANE DOES 1-10,
DOE CORPORATIONS 1-10, DOE PARTNERSHIPS 1-10,
DOE ENTITIES 1-10, DOE GOVERNMENTAL UNITS 1-10, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 13-1-0160)

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

Upon review of the record, it appears that:

(1) The statement of jurisdiction was due on June 9, 2014, and the opening brief was due on July 9, 2014.

(2) Defendant-Appellant Lori Ann Canite (**Appellant**) failed to file either document, and on July 28, 2014, the appellate clerk informed Appellant that the time for filing the statement of jurisdiction and opening brief had expired and, pursuant to Hawai'i Rules of Appellate Procedure Rule 30, the matter would be called to the court's attention on August 7, 2014, for such action as the court deemed proper, which could include dismissal.

(3) On August 6, 2014, Appellant filed a motion for relief from default and to extend the time to file the statement of jurisdiction and opening brief.

(4) On August 7, 2014, Plaintiff-Appellee Bank of America, N.A. (**Appellee**) filed an opposition to Appellee's August 6, 2014 motion, arguing that the court should deny it where the appeal is either premature or moot because Appellant seeks to challenge a deficiency judgment and no such judgment has been entered by the Circuit Court of the First Circuit.

(5) On September 10, 2014, this court issued an order to Appellant to file a reply to the Appellee's opposition within five (5) days of the date of the order.

(6) Thereafter, Appellant did not file a reply to Appellee's opposition.

Under these circumstances, Appellant has not demonstrated that Appellant is entitled to relief from default for failing to timely file the statement of jurisdiction or opening brief. Therefore, IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, October 15, 2014.

Chief Judge

Associate Judge

Associate Judge