

NO. CAAP-15-0000426

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

U.S. BANK NATIONAL ASSOCIATION,
as Trustee for the LXS 2006-16N,
Plaintiff-Appellee,

v.

JAMES JOSEPH FRANCO and EDNA ARDALES FRANCO,
Defendants/Counterclaim-Plaintiffs/Third-Party
Plaintiffs/Appellants,

and

BANK OF AMERICA, N.A.,
HAWAIIAN PARADISE PARK OWNERS ASSOCIATION,
Defendants-Appellees,

and

ONEWEST BANK, F.S.B., et al.,
Third-Party Defendants/Appellees,

and

JOHN DOES 1-50, JANE DOES 1-50,
DOE PARTNERSHIPS 1-50, DOE CORPORATIONS 1-50,
DOE ENTITIES 1-50, and DOE GOVERNMENTAL UNITS 1-50,
Defendants

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 13-1-0627)

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) On May 8, 2015, Defendants/Cross-Claim Plaintiffs/
Third-Party Plaintiffs/Appellants James Joseph Franco and Edna
Adrales Franco (Appellants), pro se, filed in U.S. Bank v.
Franco, CAAP-14-0001389, a notice of appeal from the circuit
court's April 15, 2015 judgment on a foreclosure decree in Civil
No. 13-1-0627;

(2) On May 27, 2015, this court dismissed the appeal in CAAP-14-0001389 for lack of jurisdiction, and ordered the appellate clerk to create a new appeal with Appellants' May 8, 2015 notice of appeal filed in CAAP-14-0001389. The new appeal was designated CAAP-15-0000426;

(3) On July 2, 2015, the circuit court clerk filed the record on appeal in CAAP-15-0000426, and the appellate clerk notified the parties that the statement of jurisdiction and opening brief were due on or before July 13, 2015, and August 11, 2015, respectively;

(4) Appellants did not file either document, or request an extension of time;

(5) On August 17, 2015, the appellate clerk notified 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 27, 2015, for such action as the court deems proper, which could include dismissal; and

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

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, November 30, 2015.

Chief Judge

Associate Judge

Associate Judge