

NO. CAAP-16-0000505

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

OTTO B.C. TAYLOR, JR., Plaintiff-Appellant, v.
WENDY JENNIFER TAYLOR, Defendant-Appellee

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-D NO. 13-1-6997)

ORDER DISMISSING THE APPEAL PURSUANT TO HRAP RULE 30
(By: Leonard, Presiding Judge, Reifurth and Ginoza, JJ.)

Upon review of the record, it appears that:

(1) On July 7, 2016, Plaintiff-Appellant Otto B.C. Taylor, Jr. (Appellant) filed a notice of appeal through counsel, Stephen T. Hioki (Counsel);

(2) On October 27, 2016, the court granted Counsel's October 6, 2016 motion to withdraw as counsel. In the underlying motion, Counsel stated he anticipated obtaining a clerk's extension for the opening brief, so Appellant could file the opening brief, hire another attorney, or dismiss the appeal. Appellant was served with the motion and resulting order;

(3) On October 10, 2016, Counsel obtained a clerk's extension of time for the opening brief to November 14, 2016, and notified Appellant about the extension;

(4) Appellant did not file the opening brief, or request another extension of time;

(5) On December 15, 2016, the appellate clerk notified Appellant that the time for filing the opening brief had expired, pursuant to Hawai'i Rules of Appellate Procedure Rule 30, the matter would be called to the court's attention on December 27, 2016, for appropriate action, which could include dismissal, and any request for relief from default should be made by motion; and

(6) Thereafter, Appellant did not file the opening brief, or otherwise respond to the default notice.

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

DATED: Honolulu, Hawai'i, January 12, 2017.

Presiding Judge

Associate Judge

Associate Judge