

NO. CAAP-16-0000638

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

DAVID BRADLEY EISENBREY, Plaintiff-Appellee, v.
KATHLEEN ANN EISENBREY, Defendant-Appellant

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-M NO. 15-1-0005)

ORDER DISMISSING THE APPEAL

(By: Nakamura, C.J., Leonard and Reifurth, JJ.)

Upon review of the record, it appears that:

(1) On September 26, 2016, Defendant-Appellant Kathleen Ann Eisenbrey (Appellant), pro se, filed a notice of appeal;

(2) On November 22, 2016, the family court clerk filed the record on appeal, and the appellate clerk notified the parties that the statement of jurisdiction and opening brief were due on or before December 2, 2016, and January 2, 2017, respectively. Because January 2, 2017, was a holiday, the opening brief was effectively due on or before January 3, 2017.

See Hawai'i Rules of Appellate Procedure (HRAP) Rule 26(a);

(3) Appellant did not file the statement of jurisdiction, or request an extension of time;

(4) On January 3, 2017, the appellate clerk granted Appellant an extension of time for the opening brief to February 2, 2017;

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

(6) On February 23, 2017, the appellate clerk notified Appellant that the time for filing the statement of jurisdiction and opening brief had expired, the matter would be called to the court's attention on March 6, 2017, for appropriate action, which could include dismissal of the appeal, pursuant to HRAP Rules 12.1(e) and 30, and Appellant may request relief from default by motion; and

(7) Thereafter, Appellant took no further action in the appeal.

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

DATED: Honolulu, Hawai'i, March 14, 2017.

Chief Judge

Associate Judge

Associate Judge