

NO. CAAP-17-0000479

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

U.S. BANK NATIONAL ASSOCIATION, SUCCESSOR TRUSTEE TO
WACHOVIA BANK, NATIONAL ASSOCIATION, AS TRUSTEE FOR THE HOLDERS
OF THE BANC OF AMERICA FUNDING CORPORATION 2005-E TRUST,
Plaintiff-Appellee,

v.

DANNY CASTRO MAGGAY and CRISTITA PARANGAN MAGGAY,
Defendants-Appellants,

and

ROSS MITSUO NISHIOKA; BENEFICIAL HAWAII INC.;
CAPITAL ONE BANK (USA), N.A.,
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 FIRST CIRCUIT
(CIVIL NO. 12-1-2731)

ORDER DISMISSING APPEAL

(By: Leonard, Presiding Judge, and Reifurth and Ginoza, JJ.)

Upon review of the record, it appears that:

(1) On June 20, 2017, Defendants-Appellants Danny C. Maggay and Cristita P. Maggay (the Maggays), pro se, filed the notice of appeal;

(2) On August 8, 2017, the circuit court clerk filed the record on appeal;

(3) On August 9, 2017, the appellate clerk notified the parties that the statement of jurisdiction and opening brief were due on or before August 21, 2017, and September 18, 2017, respectively;

(4) The Maggays did not file either document or request an extension of time;

(5) On October 5, 2017, the appellate clerk notified the Maggays 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 October 16, 2017, for appropriate action, which could include dismissal of the appeal, pursuant to Hawai'i Rules of Appellate Procedure Rules 12.1(e) and 30, and the Maggays may request relief from default by motion; and

(6) The Maggays took no further action in this appeal. Therefore, IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, February 9, 2018.

Presiding Judge

Associate Judge

Associate Judge