

NO. CAAP-17-0000625

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

IN THE MATTER OF THE TRUST OF
TSUGIO KURIHARA REVOCABLE LIVING TRUST AGREEMENT
DATED AUGUST 21, 1997, AS AMENDED AND RESTATED

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(T. NO. 16-1-0036)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On August 24, 2017, Petitioner-Appellant Ted Kazuo Kurihara (Kurihara) filed the notice of appeal;

(2) On October 11, 2017, the circuit 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 October 23, 2017, and November 20, 2017, respectively;

(3) Kurihara did not file either document or timely request an extension;

(4) On December 7, 2017, Kurihara filed a motion for leave to file a late statement of jurisdiction;

(5) On December 8, 2017, the appellate clerk notified Kurihara that the time for filing the opening brief had expired, the matter would be called to the court's attention that same day for appropriate action, which could include dismissal of the

appeal, pursuant to Hawai'i Rules of Appellate Procedure Rule 30, and Kurihara may request relief from default by motion; and

(6) Kurihara took no further action in this appeal.

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed for failure to file the opening brief.

IT IS FURTHER ORDERED that all pending motions are dismissed as moot.

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

Presiding Judge

Associate Judge

Associate Judge