

NO. CAAP-14-0000579

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

RANDY ANDREWS and ELISA ANDREWS,
Petitioners-Appellants,
v.
MICAL SIMON, SHAWN SIMON and THATCHER TROMBLEY,
Respondents-Appellees.

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(S.P. NO. 13-1-033K)

ORDER DISMISSING APPEAL
(By: Ginoza, Chief Judge, Leonard and Reifurth, JJ.)

Upon consideration of Ted H.S. Hong's (Hong) November 17, 2017 response to the November 15, 2017 order to show cause, Hong's February 21, 2018 response to the February 14, 2018 order to show cause, Mark Van Pernis' March 2, 2018 response to the February 14, 2018 order to show cause, the papers in support, and the record, it appears that:

(1) On May 29, 2014, the court was given notice that Randy Andrews and Elisa Andrews (Appellants) had filed a bankruptcy petition;

(2) On June 10, 2014, the United States Bankruptcy Court for the District of Hawaii dismissed the bankruptcy petition filed by Appellants in case number 14-00609;

(3) Effective June 10, 2014, any bankruptcy stay imposed in this appeal was terminated, however, the court was not notified at that time;

(4) Upon order of this court in November 2017, the parties were required to provide status of the bankruptcy proceeding, and only thereafter was the court advised that the bankruptcy stay had been terminated;

(5) No briefing has been filed in this appeal; and

(6) Following this court's February 14, 2018 order, Hong notified Appellants that the court will dismiss the appeal for failure to prosecute unless they demonstrate good cause why the appeal should not be dismissed, and Appellants failed to respond to Hong's request to contact him if they wanted to continue the appeal.

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

IT IS FURTHER ORDERED that the court will take no further action on the November 15, 2017 and February 14, 2018 orders to show cause.

IT IS FURTHER ORDERED that the appellate clerk shall mail a copy of this order to Appellees' counsel, Gary Vancil and Mark Van Pernis, at their addresses on file with the Hawaii State Bar Association.

DATED: Honolulu, Hawai'i, May 15, 2018.

Chief Judge

Associate Judge

Associate Judge