

NO. 30287

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, by its Office of Consumer Protection,
Plaintiff-Appellee, v. EDGE TOWING AND RECOVERY, LLC., a Hawaii
corporation, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 09-1-2010)

ORDER GRANTING PLAINTIFF-APPELLEE
STATE OF HAWAII'S MOTION TO DISMISS APPEAL
(By: Nakamura, C.J., Foley and Fujise, JJ.)

Upon consideration of "Plaintiff-Appellee State of Hawaii's Motion to Dismiss the Appeal" of Defendant-Appellant Edge Towing and Recovery, LLC, a Hawaii Corporation, (Appellant), the papers in support, and the records and files herein, it appears that: (1) on January 12, 2010, Abraham Fu, a non-attorney who is not a party in this case, filed a notice of appeal on behalf of Appellant; (2) the State now moves to dismiss this appeal because Abraham Fu, who is listed as an agent for Appellant, filed the notice of appeal; (3) in Oahu Plumbing & Sheet Metal Ltd. v. Kona Constr., 60 Haw. 372, 590 P.2d 570 (1979), the supreme court held, except in limited circumstances not applicable in this case, that a corporation may be represented only by an attorney and that non-attorney agents are not allowed to represent corporations in litigation before the courts of the State. Oahu Plumbing, 60 Haw. at 376-77, 590 P.2d at 573; (4) on July 30, 2010, the appellate clerk informed Appellant that: (a) the time to file the statement of jurisdiction and the opening brief expired; (b) the matter would be called to the attention of the court for such action as the court deems proper; and (c) the appeal may be dismissed pursuant to Hawaii Rules of Appellate Procedure (HRAP) Rule 30; (5) Appellant did not respond to the motion to dismiss appeal or the

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default letter; (6) Appellant did not file the statement of jurisdiction or the opening brief; and (7) based upon the facts of this case, dismissal is appropriate. Therefore,

IT IS HEREBY ORDERED that the motion to dismiss is granted, and this appeal is dismissed

DATED: Honolulu, Hawai'i, August 17, 2010.

On the motion:

Jeffrey E. Brunton,
for Plaintiff-Appellee.

Chief Judge

Associate Judge

Associate Judge