

NO. CAAP-15-0000093

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

PAT ROCCO, Plaintiff-Appellant, v.
KALAPANA SEAVIEW ESTATES COMMUNITY
ASSOCIATION, Defendant-Appellee

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
HILO DIVISION
(CASE NO. 3RC-13-1-589)

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 30
(By: Foley, Presiding Judge, Reifurth and Ginoza, JJ.)

Upon review of the record, it appears that:

(1) On February 23, 2015, Plaintiff-Appellant Pat Rocco (Appellant), pro se, filed a notice of appeal;

(2) On April 22, 2015, the district court clerk filed the record on appeal, which indicates Appellant is represented in this appeal by attorney Ivan L. Van Leer (Counsel);

(3) That same day, the appellate clerk notified Appellant, through Counsel, that the statement of jurisdiction and opening brief were due by May 4, 2015, and June 1, 2015, respectively;

(4) Appellant did not file either document;

(5) On June 4, 2015, the appellate clerk notified Appellant, through Counsel, that the time for filing the statement of jurisdiction and opening brief had expired and, pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 30, the matter would be called to the court's attention on June 15, 2015, for such action as the court deems proper, which could include dismissal;

(6) Thereafter, Appellant did not file the statement of jurisdiction or opening brief, or respond to the default notice;

(7) Although Appellant filed the notice of appeal pro se, he is represented by Counsel in this appeal, and the Judiciary Information Management System reflects Counsel was electronically served with each document filed in this appeal; and

(8) Neither Counsel nor Appellant have filed in this appeal a motion to withdraw or discharge Counsel, pursuant to HRAP Rule 50.

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

DATED: Honolulu, Hawai'i, June 19, 2015.

Presiding Judge

Associate Judge

Associate Judge