

NO. CAAP-15-0000332

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

U.S. BANK NATIONAL ASSOCIATION, as Trustee for Asset-Backed  
Pass-through Certificates, Series 2006-NC1,  
Plaintiff/Counterclaim Defendant-Appellee,

v.

RODILLO MAGSANIDE TABUYO, SR. And MERLINA DULDULAO TABUYO,  
Defendants-Appellants,

and

JIM HOGG, KEAAHALA KB, LLC, MARJORIE NISSEN,  
Defendants-Appellees,

and

JOHN DOES 1-10, JANE DOES 1-10,  
DOE PARTNERSHIPS 1-10, DOE CORPORATIONS 1-10,  
DOE ENTITIES 1-10, and DOE GOVERNMENTAL UNITS 1-10,  
Defendants

**(CIVIL NO. 10-1-2138)**

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JIM HOGG, Plaintiff-Appellee,

v.

RODILLO MAGSANIDE TABUYO, also known as  
RODILLO MAGSANIDE TABUYO, SR., and MERLINA DULDULAO TABUYO,  
Defendants-Appellants,

v.

U.S. BANK NATIONAL ASSOCIATION, as Trustee for Asset-Backed  
Pass-Through Certificates, Series 2006-NC21,  
Defendants-Appellees,

and

JOHN DOES 1-10, JANE DOES 1-10,  
DOE PARTNERSHIPS 1-10, DOE CORPORATIONS 1-10,  
DOE ENTITIES 1-10, DOE GOVERNMENTAL UNITS 1-10, Defendants

**(CIVIL NO. 10-1-0642)**

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT

ORDER DISMISSING THE APPEAL PURSUANT TO HRAP RULE 30

(By: Nakamura, C.J., Fujise and Reifurth, JJ.)

Upon review of the record, it appears that:

(1) On April 10, 2015, Defendants-Appellants Rodillo Magsanide Tabuyo, Sr. (Rodillo) and Merlina Duldulao Tabuyo (collectively, Appellants), pro se, filed a notice of appeal;

(2) On April 29, 2015, 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 May 11, 2015, and June 8, 2015, respectively;

(3) Appellants did not file either document, or request an extension of time;

(4) On July 2, 2015, after the court discovered that Rodillo filed a bankruptcy petition in the United States Bankruptcy Court, District of Hawaii, Case No. 15-00244, on February 28, 2015, the court ordered any further proceedings in this appeal stayed, pursuant to 11 U.S.C. § 362(a)(1) (2010) and Hawai'i Rules of Appellate Procedure (HRAP) Rule 54(c), until the bankruptcy stay is lifted or terminated;

(5) On October 2, 2015, Plaintiff-Appellee U.S. Bank National Association filed a notice of vacating bankruptcy stay, which included a certified copy of the bankruptcy court's June 24, 2015 order dismissing Rodillo's bankruptcy case;

(6) On November 6, 2015, the appellate clerk notified Appellants that the time for filing the statement of jurisdiction and opening brief expired on July 6 and August 3, 2015, respectively, and, pursuant to HRAP Rule 30, the matter would be called to the court's attention on November 16, 2015, for such action as the court deems proper, which could include dismissal; and

(7) Thereafter, Appellants did not file the statement of jurisdiction or opening brief, or respond to the notice of default.

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

DATED: Honolulu, Hawai'i, November 30, 2015.

Chief Judge

Associate Judge

Associate Judge