

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

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

K. HAMAKAHOE
CLERK, APPELLATE COURTS
STATE OF HAWAII

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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