

NO. 30029

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

DAVID MARTIN CANNING, JR., Claimant-Appellant,

v.

ALLEGIS GROUP and A1 SOUTH INSURANCE COMPANY,
adjusted by CRAWFORD AND COMPANY, Employer and Insurance
Carrier/Insurance Adjuster-Appellee,

and

DOUGLAS THOMAS MOORE, ESQ., Party-in-Interest

APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD
(AB 2009-324 (WH) (9-07-1599))

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 11(c) (2)
(By: Nakamura, C.J., Foley and Fujise, JJ.)

Upon review of the record, it appears that:

(1) Claimant-Appellant David M. Canning (Appellant) filed a notice of appeal on September 1, 2009; (2) Appellant did not pay the filing fee; (3) on November 10, 2009, the appellate clerk informed Appellant: (a) pursuant to Rule 11(b) (2) of the Hawai'i Rules of Appellate Procedure (HRAP), the record on appeal cannot be filed without payment of the filing fee or an order allowing Appellant to proceed in forma pauperis pursuant to HRAP Rule 24; and (b) the matter would be called to the attention of the court on November 17, 2009 for such action as the court deemed proper, including dismissal of the appeal pursuant to HRAP Rule 11(c) (2); and (4) Appellant failed to pay the filing fee or submit a motion to proceed in forma pauperis. Therefore,

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IT IS HEREBY ORDERED that the appeal is dismissed pursuant to HRAP Rule 11(c)(2).

DATED: Honolulu, Hawai'i, February 23, 2010.



Chief Judge



Associate Judge



Associate Judge