

NO. CAAP-11-0000748

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

CITY AND COUNTY OF HONOLULU,
a municipal entity authorized under
the laws of the State of Hawai'i,
Plaintiff-Appellee,

v.

SHARON BLACK, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 11-1-0316)

ORDER DISMISSING THE APPEAL

(By: Nakamura, C.J., Foley and Ginoza, JJ.)

Upon review of the record, it appears that:

(1) Defendant-Appellant Sharon Black (Appellant), who was representing herself, filed a notice of appeal on October 12, 2011;

(2) Appellant filed an opening brief on March 1, 2012;

(3) On May 4, 2012, Plaintiff-Appellee City and County of Honolulu (Appellee) filed a suggestion of death, pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 43(a), attaching an obituary indicating Appellant had passed away;

(4) On May 21, 2012, Appellee filed a supplement to the suggestion of death, attaching a certified death certificate from the Hawai'i Department of Health indicating Appellant passed away on April 5, 2012;

(5) On April 3, 2013, the court ordered Appellee to confirm whether a special administrator or personal representative had been appointed for Appellant's estate; provide the special administrator or personal representative with written notice of this appeal, copies of the opening brief, answering brief, and the April 3, 2013 order; give notice to the special administrator or personal representative that within sixty days from the date of the order, counsel for Appellant's estate must enter an appearance and indicate whether the estate plans to continue the appeal with a substitute party, or the appeal will be dismissed; and Appellee's counsel shall file a declaration indicating compliance with the order within twenty days of the order;

(6) On May 17, 2013, Appellee's counsel filed a declaration confirming that on February 15, 2013, the circuit court appointed a special administrator for Appellant's estate in Estate of Sharon C. Black, Probate No. 12-1-0591, and on May 16, 2013, counsel provided the special administrator with the documents and notice required by the April 3, 2013 order;

(7) No one representing Appellant's estate has moved to substitute as a party for Appellant in this action; and

(8) As Appellant was representing herself in this appeal, there is no person to serve as a substitute party under HRAP Rule 43(a). Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed.

DATED: Honolulu, Hawai'i, June 28, 2013.

Chief Judge

Associate Judge

Associate Judge