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Intermediate Court of Appeals
CAAP-13-0000951
25-JUN-2013
09:21 AM

NO. CAAP-13-0000951

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, DEPARTMENT OF HAWAIIAN HOME LANDS,
Plaintiff-Appellee,
v.
FREDERICK H.K. BAKER, JR.,
Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 3RC12-1-615)

ORDER GRANTING MOTION TO DISMISS APPEAL
(By: Nakamura, C.J., Foley and Reifurth, JJ.)

Upon consideration of Defendant-Appellant Frederick H.K. Baker, Jr.'s (Appellant) "Motion to Voluntarily Dismiss His Appeal," filed June 3, 2013, Plaintiff-Appellee State of Hawaii, Department of Hawaiian Home Lands' (Appellee) "Statement of Position Regarding Appellant's Motion to Voluntarily Dismiss His Appeal Filed June 3, 2013," filed June 5, 2013, the papers in support,¹ and the record, it appears that this appeal has not been docketed. Therefore,

¹ On June 13, 2013, Appellant filed an "Opposition to Appellees' [sic] Request for Dismissal of Appeal With Prejudice," which the court construes as a reply to Appellee's statement of position, filed June 5, 2013. Hawaii Rules of Appellate Procedure Rule 27 does not contemplate a reply in motion practice, and Appellant did not seek leave to file a reply. Thus, the court did not consider Appellant's June 13, 2013 reply.

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

IT IS HEREBY ORDERED that the motion to dismiss the appeal is granted and the appeal is dismissed. The dismissal is not an adjudication of the merits of the appeal, but Appellant will not be entitled to reinstate his appeal at a later date. The parties shall bear their own appellate costs and fees.

DATED: Honolulu, Hawai'i, June 25, 2013.


Chief Judge


Associate Judge


Associate Judge