

NO. CAAP-12-0000103

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

JEFFREY J. PLAUCHE,
Plaintiff/Counterclaim-Defendant/Appellant,
v.
ELISA PLAUCHE,
Defendant/Counterclaim-Plaintiff/Appellee

APPEAL FROM THE FAMILY COURT OF THE SECOND CIRCUIT
(FC-D NO. 10-1-0070)

ORDER DISMISSING THE APPEAL

AND

ORDER REGARDING RESPONSES TO ORDER TO SHOW CAUSE

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

Upon consideration of Defendant/Counterclaim-Plaintiff/
Appellee Elisa Watkins Plauche's (Appellee) December 2, 2015
notice of dismissal of pro se Plaintiff/Counterclaim-Defendant/
Appellant Jeffrey Joseph Plauche's (Appellant) bankruptcy case,
Appellee's December 9, 2015 response to the December 1, 2015
orders to show cause, and Appellant's December 11, 2015 response
to the December 1, 2015 orders to show cause, the papers in
support, and the record, it appears that:

(1) On November 21, 2011, Appellant filed a bankruptcy
case in the United States Bankruptcy Court for the District of
Hawaii, case number 11-03037;

(2) Appellant's bankruptcy case stayed this appeal, pursuant to 11 U.S.C. § 362(a)(1) and (3) (2010), and Hawai'i Rules of Appellate Procedure (HRAP) Rule 54(c);

(3) On May 30, 2012, the bankruptcy court dismissed Appellant's bankruptcy case;

(4) On August 27, 2012, Appellant filed in a related appeal, Plauche v. Plauche, No. CAAP-11-0000369, a certified copy of the bankruptcy court's dismissal order;

(5) Appellant did not file in this appeal a certified copy of the bankruptcy court's dismissal order, or otherwise notify the court about the status of his bankruptcy case;

(6) On December 2, 2015, Appellee filed a notice indicating the bankruptcy court dismissed Appellant's bankruptcy case and attached a copy of the bankruptcy court's dismissal order;

(7) On December 9, 2015, Appellee filed a response to the December 1, 2015 order and orders to show cause, suggesting we dismiss the appeal for want of prosecution. Appellee attached to her response a copy of the certified copy of the bankruptcy court's dismissal order that Appellant filed in case number CAAP-11-0000369;

(8) The court takes judicial notice of documents from case number CAAP-11-0000369 that are attached to Appellee's December 9, 2015 response, including the copy of the certified copy of the bankruptcy court's dismissal order. Hawai'i Rules of Evidence Rule 201(b) & (d);

(9) Accordingly, the bankruptcy stay is terminated by operation of HRAP Rule 54(b) and (c); and

(10) On December 11, 2015, Appellant filed a response to the December 1, 2015 order and orders to show cause, indicating he failed to notify the court in this case about the status of his bankruptcy case due to "health and other reasons," and he agrees to "withdraw" and dismiss this appeal.

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

IT IS FURTHER ORDERED that the court will take no further action on the December 1, 2015 orders to show cause.

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

Chief Judge

Associate Judge

Associate Judge