

NO. CAAP-15-0000238

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

PORTFOLIO RECOVERY ASSOCIATES, LLC, Plaintiff-Appellee, v.  
HARRY D. HUFFMAN, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT  
(CASE NO. 1RC13-1-7292)

ORDER

(1) VACATING THE NOVEMBER 25, 2015 ORDER  
AND JURISDICTION IS RETURNED TO THIS COURT;

AND

(2) THE APPEAL IS DISMISSED

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

Upon review of the record, it appears that:

(1) On October 8, 2015, the court temporarily remanded this case to the District Court of the First Circuit (district court) to enter, within ten days from the date of the order, an amended order on Plaintiff-Appellee Portfolio Recovery Associates, LLC's (Appellee) September 17, 2015 District Court Rules of Civil Procedure (DCRCP) Rule 60(b) motion to vacate the

March 9, 2015 judgment entered against Defendant-Appellant Harry D. Huffman and dismiss the underlying case, Civil No. 1RC13-1-7292. The court further ordered the district court clerk to file, within fifteen days from the date of the order, a supplemental record on appeal with all documents filed after May 20, 2015, to return jurisdiction to the appellate court;

(2) On October 14, 2015, before the ten-day period for the district court to file an amended order expired, the district court clerk filed a supplemental record on appeal that indicates the district court took no further action on Appellee's September 17, 2015 motion;

(3) On November 23, 2015, thirty days after the deadline for the district court clerk to file a supplemental record on appeal expired, the district court clerk filed a second supplemental record on appeal, indicating that on October 8, 2015, Appellee filed an amended DCRCP Rule 60(b) motion to vacate the judgment and dismiss the underlying case without prejudice, which the district court granted on October 16, 2015;

(4) On November 25, 2015, the court again temporarily remanded this case to the district court with more explicit language requiring the district court clerk to wait until the district court files an amended order on Appellee's September 17, 2015 motion before filing a supplemental record on appeal; and

(5) Based upon the second supplemental record on appeal, filed November 23, 2015, it appears the temporary remand was unnecessary, and Appellee intends to dismiss the appeal because the district court vacated the judgment and dismissed the underlying case.

**NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER**

Therefore, IT IS HEREBY ORDERED that the November 25, 2015 order is vacated and jurisdiction is returned to this court.

IT IS FURTHER ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, December 18, 2015.

Chief Judge

Associate Judge

Associate Judge