

NO. CAAP-15-0000093

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

PAT ROCCO, Plaintiff-Appellant, v.
KALAPANA SEAVIEW ESTATES COMMUNITY
ASSOCIATION, Defendant-Appellee

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
HILO DIVISION
(CASE NO. 3RC-13-1-589)

ORDER GRANTING THE JUNE 25, 2015 MOTION FOR RECONSIDERATION
(By: Foley, Presiding Judge, Reifurth and Ginoza, JJ.)

Upon review of the letter, filed June 25, 2015, by Plaintiff-Appellant Pat Rocco (Appellant), pro se, which the court construes as a motion for reconsideration of the June 19, 2015 order dismissing the appeal pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 30, the papers in support, and the record, it appears that (1) on February 23, 2015, Appellant filed the notice of appeal pro se, although he is represented in the underlying case, Civ. No. 3RC13-1-000589, and this appeal, CAAP-15-0000093, by attorney Ivan L. Van Leer (Counsel); (2) because Appellant is represented by Counsel, the record on appeal and notice of entering case on calendar, both filed April 22, 2015, and the notice of default of the statement of jurisdiction and opening brief, filed June 4, 2015, were each

served on Counsel but not Appellant; (3) Appellant claims Counsel did not communicate with him about the status of this appeal; and (4) Appellant wants Counsel removed from this appeal but Appellant claims that Counsel refuses to file a motion to withdraw.

Therefore, IT IS HEREBY ORDERED that the motion for reconsideration is granted.

IT IS FURTHER ORDERED that within twenty days from the date of this order, either (1) Appellant shall file a motion to discharge Counsel, pursuant to HRAP Rule 50(c), (2) Counsel shall file a motion to withdraw as counsel, pursuant to HRAP Rule 50(a), or (3) Counsel shall file a notice of withdrawal and substitution of counsel, pursuant to HRAP Rule 50(b).

IT IS FURTHER ORDERED that the statement of jurisdiction shall be due on or before August 21, 2015, and the opening brief shall be due on or before September 21, 2015, unless otherwise extended, pursuant to HRAP Rule 29(b). Further failure to timely file the opening brief may result in the appeal being dismissed.

DATED: Honolulu, Hawai'i, July 2, 2015.

Presiding Judge

Associate Judge

Associate Judge