

NO. CAAP-14-0001034

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

THE ASSOCIATION OF APARTMENT OWNERS  
OF COUNTRY CLUB HAWAII, INC., Plaintiff-Appellant,  
v.  
SADAO AOKI, ROBERT EATON, PEARL MACOMBER, JOHN REED,  
CASEY LEIGH, DENNIS COMPTON, MELVIN M. MOTOOKA,  
and MOTOOKA & YAMAMOTO, Defendants-Appellees,  
and  
DOES 1-100, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT  
(CIVIL NO. 13-1-0443)

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 30  
(By: Foley, Presiding Judge, Leonard and Ginoza, JJ.)

Upon review of the record, it appears that:

(1) On August 1, 2014, Defendant-Appellant Association of Apartment Owners of Country Club Hawaii Inc. (Appellant) filed a notice of appeal, through counsel Peter L. Steinberg (Counsel);

(2) The record on appeal was filed November 24, 2014, and the appellate clerk informed Appellant that, among other things, the opening brief was due by January 5, 2015;

(3) On December 8, 2014, the circuit court in the underlying case, Civ. 13-1-443, granted Counsel's motion to withdraw as counsel;

(4) Twice this court cautioned Appellant that it shall retain substitute counsel before its next appearance in this appeal (Docs. 27 & 63);

(5) Appellant did not file the opening brief or request an extension of time by January 5, 2015;

(6) On February 12, 2015, the appellate clerk informed Appellant that the time for filing the opening brief had expired and, pursuant to Hawai'i Rules of Appellate Procedure Rule 30, the matter would be called to the court's attention on February 23, 2015, for such action as the court deems proper, which could include dismissal; and

(7) Thereafter, Appellant did not file the opening brief, or respond to the default notice.

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

DATED: Honolulu, Hawai'i, March 6, 2015.

Presiding Judge

Associate Judge

Associate Judge