

NO. CAAP-14-0001127

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

THE BANK OF NEW YORK MELLON, a New York corporation,
as Trustee for the Benefit of the Certificateholders,
CWALT, INC., Alternative Loan Trust 2007-2CB Mortgage
Pass-Through Certificates, Series 2007-2CB,
Plaintiff/Counterclaim Defendant-Appellee,

v.

JOAN MARGARET BIHN,
Defendant/Cross-claim Defendant-Appellant,
and

WELLS FARGO BANK, N.A.,
Defendant/Cross-claim Plaintiff/Counterclaim Plaintiff-Appellee,
and

STATE OF HAWAI'I, DEPARTMENT OF TAXATION,
ASSOCIATION OF APARTMENT OWNERS OF MAHANA AT KAA NAPALI,
Defendants/Cross-claim Defendants-Appellees,
and

JOHN DOES 1-50, JANE DOES 1-50,
DOE PARTNERSHIPS 1-50, DOE CORPORATIONS 1-50,
DOE ENTITIES 1-50, and DOE GOVERNMENTAL UNITS 1-50, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CIVIL NO. 12-1-0910(1))

ORDER DISMISSING APPEAL

(By: Foley, Presiding J., Fujise and Leonard, JJ.)

Upon review of the record, it appears that:

(1) On September 19, 2014, counsel for Defendant/
Cross-claim Defendant-Appellant Joan Margaret Bihn (Appellant)
filed a notice of appeal;

(2) The record on appeal was filed on November 18,
2014, and the appellate clerk informed Appellant's counsel that,

among other things, the opening brief was due by December 29, 2014;

(3) On December 17, 2014, Appellant's counsel obtained an extension of time to file the opening brief by January 28, 2015;

(4) On December 31, 2014, the court granted Appellant's counsels' motion to withdraw as counsel;

(5) Appellant did not file the opening brief or request an extension of time by January 28, 2015;

(6) On February 10, 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 20, 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 3, 2015.

Presiding Judge

Associate Judge

Associate Judge