

NO. CAAP-15-0000323

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

THOMAS E. HAYES, Plaintiff-Appellee,
v.
RICHARD YEE MARN, CATHERINE MARN OBERHOLZER,
and RYAN DUCK QUON YEE MARN, Defendants-Appellees,
and
ERIC Y. MARN and ALEXANDER MARN,
Defendants/Interveners-Appellants,
and
PUMEHANA ASSOCIATES, Third-Party Plaintiff/Appellee,
and
RONALD K. KOTOSHIRODO, Third-Party Defendant/Appellee,
and
JOHN DOES 1-10, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 12-1-1994)

AMENDED ORDER

(1) DISMISSING THE APPEAL PURSUANT TO HRAP RULE 30;

(2) ALL PENDING MOTIONS ARE DISMISSED AS MOOT;

AND

(3) THIS AMENDED ORDER IS EFFECTIVE

NUNC PRO TUNC TO OCTOBER 8, 2015

(By: Foley, Presiding Judge, Fujise and Ginoza, JJ.)

Upon review of the record, it appears that:

(1) On April 8, 2015, Defendants-Interveners-Appellants Alexander Y. Marn and Eric Y. Marn (Appellants), pro se, filed a notice of appeal;

(2) On April 28, 2015, the circuit court clerk filed the record on appeal, and the appellate clerk notified Appellants that, among other things, the opening brief was due on or before June 8, 2015;

(3) On June 2, 2015, the appellate clerk extended the opening brief due date to July 8, 2015;

(4) Appellants failed to file the opening brief;

(5) On July 10, 2015, the appellate clerk notified Appellants that they were in default of the opening brief and, pursuant to Hawai'i Rules of Appellate Procedure Rule 30, the matter would be called to the court's attention on July 20, 2015, for such action as the court deems proper, which could include dismissal;

(6) On July 23, 2015, the court granted Appellants relief from default and a second extension of time for the opening brief to August 10, 2015. The court cautioned Appellants that any further default of the opening brief may result in sanctions, including the appeal being dismissed; and

(7) Thereafter, Appellants failed to file an opening brief and took no further action in this appeal.

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

IT IS FURTHER ORDERED that all pending motions are dismissed as moot.

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

IT IS FURTHER ORDERED that this amended order is effective nunc pro tunc to October 8, 2015.

DATED: Honolulu, Hawai'i, October 15, 2015.

Presiding Judge

Associate Judge

Associate Judge