

NO. CAAP-10-0000175

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

LEZLIE M. JACKSON, Plaintiff-Appellee, v.  
MARVIS S. TAUALA; PRIMEX FIRE SERVICES, LLC, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 10-1-1393)

ORDER

(1) DISMISSING THE APPEAL FOR FAILURE TO PROSECUTE

AND

(2) NO FURTHER ACTION ON THE  
DECEMBER 1, 2015 ORDERS TO SHOW CAUSE

(By: Nakamura, C.J., Foley and Leonard, JJ.)

Upon consideration of the Declaration of Robert D. Kawamura re Status of Appellant's Bankruptcy Case, filed December 7, 2015, by Robert D. Kawamura, counsel for Plaintiff-Appellee Lezlie M. Jackson, which the court construes as a response to the December 1, 2015 Order and Orders to Show Cause, the Notice of Bankruptcy Discharge, filed January 8, 2016, by Defendant-Appellant Marvis Tauala, the papers in support, and the record, it appears that:

(1) On March 30, 2011, Appellant filed a Notice of Bankruptcy Stay, indicating he filed a bankruptcy case in the United States Bankruptcy Court for the District of Hawaii, case number 11-00858, on March 30, 2011;

(2) Appellant's bankruptcy case stayed this appeal, pursuant to 11 U.S.C. § 362(a)(1) and (3) (2010), and Hawai'i Rules of Appellate Procedure (HRAP) Rule 54(c);

(3) On September 20, 2011, the bankruptcy court entered an order discharging Appellant's debts, which terminated the automatic stay. 11 U.S.C. § 362(c)(2)(C) (2010);

(4) On January 8, 2016, Appellant filed a certified copy of the bankruptcy court's September 20, 2011 discharge order. HRAP Rule 54(c);

(5) On December 1, 2015, the court ordered the parties to show cause why the appeal should not be dismissed for failure to prosecute; and

(6) No party filed a response.

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed for failure to prosecute.

IT IS FURTHER ORDERED that the court will take no further action on the December 1, 2015 orders to show cause.

DATED: Honolulu, Hawai'i, January 19, 2016.

Chief Judge

Associate Judge

Associate Judge