

NO. CAAP-16-0000454

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

BAYVIEW LOAN SERVICING, LLC, Plaintiff-Appellee,
v.
MICHAEL S. GABOUR, Defendant-Appellant,
and
JOHN AND MARY DOES 1-20,
DOE PARTNERSHIPS, CORPORATIONS OR OTHER ENTITIES 1-20,
Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CIVIL NO. 11-1-0179)

ORDER DISMISSING THE APPEAL PURSUANT
TO HRAP RULES 12.1(e) and 30

(By: Foley, Presiding Judge, Leonard and Reifurth, JJ.)

Upon review of the record, it appears that:

(1) On June 8, 2016, Defendant-Appellant Michael S. Gabour (Appellant) filed a notice of appeal;

(2) On August 8, 2016, the circuit court clerk filed the record on appeal and an amended record on appeal, and the appellate clerk notified the parties that the statement of jurisdiction and opening brief were due on or before August 18, 2016, and September 19, 2016, respectively;

(3) Appellant did not file either document, or request an extension of time;

(4) On October 4, 2016, the appellate clerk notified Appellant that the time for filing the statement of jurisdiction and opening brief had expired and, pursuant to Hawai'i Rules of Appellate Procedure Rules 12.1(e) and 30, the matter would be called to the court's attention on October 14, 2016, for appropriate action, which could include dismissal of the appeal; and

(5) Thereafter, Appellant did not file the statement of jurisdiction or opening brief, or otherwise respond to the default notice.

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

DATED: Honolulu, Hawai'i, October 20, 2016.

Presiding Judge

Associate Judge

Associate Judge