

NO. CAAP-16-0000224

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

JOHN NELSON SPADARO, Plaintiff-Appellee,
v.
JENNIFER LAUREN MOORE, Defendant-Appellant,
and
HM HOLDINGS LLC, ASSOCIATION OF APARTMENT OWNERS
OF MAKAHA VALLEY PLANTATION, by its Board of Directors,
Defendants-Appellees,
and
JOHN DOES 1-50, JANE DOES 1-50, DOE PARTNERSHIPS 1-50,
DOE CORPORATIONS 1-50, DOE ENTITIES 1-50,
DOE GOVERNMENTAL UNITS 1-50, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 12-1-3010)

ORDER GRANTING THE OCTOBER 24, 2016
"MOTION TO DISMISS APPEAL FOR LACK OF
TIMELY FILING OF APPELLANT'S OPENING BRIEF"
(By: Nakamura, C.J., Fujise and Reifurth, JJ.)

Upon consideration of pro se Defendant-Appellee John Nelson Spadaro's (Appellee) October 25, 2016 "Motion to Dismiss Appeal for Lack of Timely Filing of Appellant's Opening Brief" (Motion), the papers in support, the record, and there being no opposition, it appears that:

(1) The opening brief was due on a third extension of time on or before September 14, 2016;

(2) Defendant-Appellant Jennifer Lauren Moore (Appellant), pro se, failed to file the opening brief, or request another extension of time;

(3) Appellee seeks to dismiss the appeal, pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 30, because Appellant failed to file the opening brief;

(4) On December 14, 2016, the appellate clerk notified Appellant that the time for filing the opening brief had expired and, pursuant to HRAP Rule 30, the matter would be called to the court's attention on December 27, 2016, for appropriate action, which could include dismissal of the appeal; and

(5) Appellant took no further action in the appeal.

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

DATED: Honolulu, Hawai'i, January 11, 2017.

Chief Judge

Associate Judge

Associate Judge