

NO. CAAP-16-0000527

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

ASSOCIATION OF APARTMENT OWNERS OF THE PEARLRIDGE GARDEN
AND THE PEARLRIDGE TOWER, by and through its Board of Directors,
Plaintiff-Appellee,

v.

ANTHONY MARK ALBERT, GINA L. PAONESSA and
PAUL ALBERT, and OCCUPANTS , Defendants-Appellants

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(CASE NO. 1RC16-1-1962)

ORDER DISMISSING THE APPEAL PURSUANT TO HRAP RULE 30
(By: Leonard, Presiding Judge, Reifurth and Ginoza, JJ.)

Upon review of the record, it appears that:

(1) On July 18, 2016, Defendants-Appellants Anthony Mark Albert, Gina L. Paonessa, and Paul Albert (Appellants), pro se, filed a notice of appeal. The circuit court clerk electronically filed the notice of appeal on July 19, 2016;

(2) The opening brief was due on a first extension of time on or before October 26, 2016;

(3) Appellants did not file the opening brief, or request another extension of time;

(4) On November 9, 2016, the appellate clerk notified Appellants that the time for filing the opening brief had expired, pursuant to Hawai'i Rules of Appellate Procedure Rule 30, the matter would be called to the court's attention on November 21, 2016, for appropriate action, which could include dismissal, and any request for relief from default should be made by motion; and

(5) Thereafter, Appellants did not file the opening brief, or otherwise respond to the default notice.

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

DATED: Honolulu, Hawai'i, January 12, 2017.

Presiding Judge

Associate Judge

Associate Judge