

NO. CAAP-17-0000107

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

NOELANI D. COLTES, Plaintiff-Appellant,
v.
CASTLE RESORTS AND HOTELS AND FIRST INSURANCE COMPANY
OF HAWAII, Defendant-Appellee

APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD
(CASE NO. AB 2016-359(H)(1-13-45068))

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On February 27, 2017, Claimant-Appellant Noelani D. Coltes (Appellant), pro se, filed a notice of appeal;

(2) On March 16, 2017, the Chief Clerk of the Labor and Industrial Relations Appeals Board notified Appellant that the clerk is not required to prepare the record on appeal until Appellant paid the required fees or obtained an order allowing her to proceed on appeal in forma pauperis;

(3) Thereafter, Appellant did not file in the Labor Industrial Relations Appeals Board or this court a motion for leave to proceed on appeal in forma pauperis. See Hawai'i Rules

of Appellate Procedure (HRAP) Rule 24(a);

(4) On May 2, 2017, the appellate clerk notified Appellant that the time to docket the record on appeal expired on April 28, 2017, the filing and docketing fees had not been paid, the record on appeal cannot be prepared without the fees or an order authorizing Appellant to proceed on appeal in forma pauperis, the matter would be called to the court's attention on May 12, 2017, for action that may include dismissal, and Appellant may file a motion requesting relief from default;

(5) Appellant did not pay the filing fees, or take any further action in this appeal; and

(6) An appeal may be dismissed where the record on appeal has not been prepared because the appellant failed to pay the required fees or obtain an order allowing the appellant to proceed in forma pauperis. HRAP Rule 11(b)(2) & (c)(2).

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

Dated: Honolulu, Hawai'i, May 26, 2017.

Presiding Judge

Associate Judge

Associate Judge