

NO. CAAP-16-0000621

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

HSBC BANK USA, N.A., AS TRUSTEE ON BEHALF OF
ACE SECURITIES CORP. HOME EQUITY LOAN TRUST AND
FOR THE REGISTERED HOLDERS OF ACE SECURITIES CORP.
HOME EQUITY LOAN TRUST, SERIES 2006-ASAP6,
ASSET BACKED PASS-THROUGH CERTIFICATES,
Plaintiff-Appellee,

v.

ANTHONY MARK ALBERT,
also known as A. MARK ALBERT, Defendant-Appellant,
and
ASSOCIATION OF APARTMENT OWNERS OF THE
PEARL RIDGE GARDENS AND PEARL RIDGE TOWER;
Defendants-Appellees,
and
JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10;
DOE CORPORATIONS 1-10; DOE ENTITIES 1-10 and
DOE GOVERNMENTAL UNITS 1-10, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 15-1-1531-08)

ORDER DISMISSING THE APPEAL

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

Upon review of the record, it appears that:

(1) On September 1, 2016, Defendant-Appellant Anthony Mark Albert (Appellant), pro se, filed a notice of appeal. The circuit court clerk electronically filed the notice of appeal on September 13, 2016;

(2) On November 12, 2016, the circuit court clerk filed the record on appeal;

(3) The opening brief was due on a fifth extension of time on or before May 30, 2017;

(4) On March 30, 2017, in granting the fourth extension, the court ordered that "no further extensions shall be granted," and cautioned Appellant that "any further extension request or default of the opening brief may result in sanctions, including dismissal of the appeal";

(5) On April 26, 2017, the appellate clerk notified Appellant that the time for filing the opening brief had expired, the matter would be called to the court's attention on May 8, 2017, for appropriate action, which could include dismissal of the appeal, pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 30;

(6) On May 18, 2017, in granting the fifth extension, the court found Appellant defaulted on the opening brief and ordered Appellant to file the brief within ten days from the date of the order. The court ordered that no further extensions will be granted, and again cautioned Appellant that failure to timely file the opening brief may result in the appeal being dismissed, pursuant to HRAP Rule 30; and

(7) Appellant took no further action in this appeal.

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

IT IS FURTHER ORDERED that the appellate clerk shall mail a copy of this order to attorney Shawn Luiz at his address on file with the Hawai'i State Bar Association.

DATED: Honolulu, Hawai'i, June 27, 2017.

Presiding Judge

Associate Judge

Associate Judge