

NO. CAAP-16-0000882

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

U.S. BANK TRUST, N.A. as Trustee for
LSF9 MASTER PARTICIPATION TRUST, Plaintiff-Appellee,
v.
KERRY KEITH LONG, Defendant-Appellant,
and
HAWAIIAN PARADISE PARK OWNERS ASSOCIATION, Defendant-Appellee,
and
JOHN DOES 1-50; JANE DOES 1-50;
DOE PARTNERSHIPS 1-50; DOE CORPORATIONS 1-50;
DOE ENTITIES 1-50, and DOE GOVERNMENTAL UNITS 1-50,
Defendants.

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL ON. 14-1-0038)

ORDER DISMISSING APPEAL

(By: Nakamura, Chief Judge, and Fujise and Chan, JJ.)

Upon review of the record, it appears that:

(1) On December 23, 2016, Defendant-Appellant Kerry Keith Long (Appellant), pro se, filed a notice of appeal. The circuit court clerk electronically filed the notice of appeal on December 27, 2016;

(2) On February 27, 2017, the circuit court clerk filed the record on appeal, and the appellate clerk notified the parties that the statement of jurisdiction and opening brief were due on or before March 9, 2017, and April 10, 2017, respectively;

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

(4) On May 3, 2017, the appellate clerk notified Appellant that the time for filing the statement of jurisdiction and opening brief had expired, the matter would be called to the court's attention on May 15, 2017, for appropriate action, which could include dismissal of the appeal, pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rules 12.1(e) and 30, and Appellant may request relief from default by motion;

(5) On May 23, 2017, Appellant filed what the court construed as a motion for, among other things, relief from default and a first extension of time for the statement of jurisdiction and opening brief;

(6) On May 26, 2017, the court granted in part the May 23, 2017 motion, and extended the due dates for the statement of jurisdiction and opening brief to June 13, 2017, and June 26, 2017, respectively. The court cautioned Appellant that any further default of the statement of jurisdiction or opening brief "may result in sanctions, including, without limitation, monetary sanctions, the appeal being dismissed, or both. See HRAP Rules 12.1(e) & 30"; and

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

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

DATED: Honolulu, Hawai'i, August 25, 2017.

Chief Judge

Associate Judge

Associate Judge