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Intermediate Court of Appeals
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NO. CAAP-16-0000530

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

NATIONSTAR MORTGAGE LLC, Plaintiff-Appellee
v.
JANET THOMAS COLE, Defendant-Appellant,
and,
DIRECTOR, DEPARTMENT OF TAXATION, STATE OF HAWAII;
UNITED STATES OF AMERICA, DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE; FOSTER VILLAGE COMMUNITY
ASSOCIATION, and EAST FOSTER VILLAGE COMMUNITY ASSOCIATION,
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. 13-1-2774)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On July 5, 2016, Defendant-Appellant Janet Thomas Cole (Appellant), pro se, filed a notice of appeal. The circuit court clerk electronically filed the notice of appeal on July 21, 2016;

(2) On September 9, 2016, the circuit court clerk filed the record on appeal;

(3) On November 22, 2016, Appellant filed the opening brief;

(4) On March 2, 2017, the court granted in part and denied in part Plaintiff-Appellee Nationstar Mortgage LLC's (Appellee) December 22, 2016 "Motion to Dismiss, or in the Alternative, Strike [Appellant's] Opening Brief." The court denied the request to dismiss the appeal and granted the request to strike the opening brief because it was filed on Appellant's behalf by an individual who is not an attorney and contains numerous violations of Hawai'i Rules of Appellate Procedure (HRAP) Rule 28. The court ordered that, within forty days from the date of the order, Appellant may file an opening brief pro se, representing herself, or through a licensed Hawai'i attorney. The court cautioned Appellant that failure to timely file the opening brief may result in the appeal being dismissed, pursuant to HRAP Rule 30;

(5) Appellant did not file the opening brief or request an extension of time;

(6) On June 2, 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 June 13, 2017, for appropriate action, which could include dismissal of the appeal, pursuant to HRAP Rules 12.1(e) and 30, and Appellant may request relief from default by motion;

(7) On June 14, 2017, Appellant's daughter, Charlene Cole, executed and filed for Appellant a document that states, "At this time we are attempting to work with the lender to possibly achieve a loan modification"; and

(8) Appellant took no further action in this appeal.
Therefore, IT IS HEREBY ORDERED that the appeal is
dismissed.

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


Chief Judge


Associate Judge


Associate Judge