

NO. CAAP-16-0000424

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

KAHUKU VILLAGE ASSOCIATION, INC., a Hawai'i nonprofit
corporation, Plaintiff-Appellee,

v.

STELLA MULIAVI, Defendant-Appellant

and

JOHN ERRETT, KAYE A. KROEHLER, GUY R. EUGENIO and
LYNN MAINAUPO-EUGENIO, STELLA MULIVAI, JANET FULTON,
GLEN MAGHANOY, ALBERT PAO, KEAWE RILLAMAS, DANA SHIGEMITSU,
DONNA SHLACTHER, ANGEL A. ADVERSALE, ALLAN TEJADA,
RAMONA TEJADA, JERRY TUBAL, DON GRAYCOCHEA, SUZETTE GRAYCOCHEA,
EDUVEJES A. MANDAC, ROBERT S. TROTTER, and
ANTHONY P. LOCICCHIO PERSONALLY,
Counterclaim-Plaintiffs/Appellees,

v.

KAHUKU VILLAGE ASSOCIATION INC., a Hawai'i nonprofit
corporation (KVA); NOREEN CRISTOBAL, IN HER PERSONAL
CAPACITY AND BOARD MEMBER CAPACITY OF KVA;
JIMMY LEONARDI IN HIS PERSONAL AND BOARD OF KVA
CAPACITY; BENJAMIN BALIGAD IN HIS PERSONAL AND BOARD OF KVA
CAPACITY; LESLIE LLANOS IN HER PERSONAL AND BOARD OF KVA
CAPACITY; JIM CAMIT IN HIS PERSONAL AND BOARD OF KVA
CAPACITY; DEBORAH SARSONA IN HER PERSONAL AND
STAFF MEMBER OF KVA CAPACITY; MITCHELL IMANAKA, ATTORNEY
FOR KVA; NINA TAKAMORI IN HER PERSONAL CAPACITY AND AS
ATTORNEY FOR IMANAKA KUDO & FUJIMOTO AND AS
ATTORNEY FOR KVA; MOTOOKA & YAMAMOTO, LIMITED LIABILITY
LAW COMPANY; CLAY VALVERDE, ATTORNEY FOR KVA;
CASE LOMBARDI & PETTIT; JOHN ZALEWSKY AND MICHAEL KOZAK,
ATTORNEYS FOR KVA; CONTINENTAL PACIFIC, LLC (CP),
A FOREIGN LIMITED LIABILITY COMPANY; REYNOLDS HENDERSON
IN HIS PERSONAL CAPACITY AND ASSOCIATED WITH AND AS AGENT
FOR AND OFFICER OR PRINCIPAL AND/OR MANAGER OF CP;
JEREMIAH A. HENDERSON, IN HIS PERSONAL CAPACITY
AND ASSOCIATED WITH AND AS AGENT FOR AND OFFICER OR
PARTNER AND/OR MANAGER OF CONTINENTAL PACIFIC, LLC;

JERE HENDERSON, PARTNER AND FORMER CHIEF OFFICER OF
CONTINENTAL PACIFIC, LLC; J. BARRON STROTHER
IN HIS PERSONAL CAPACITY AND AS ASSOCIATED WITH
AS AGENT FOR AND OFFICER OR PRINCIPAL AND MANAGER OF CP;
KOBAYASHI SUGITA & GODA, LLP, LAW FIRM FOR CP;
LEX SMITH IN HIS PERSONAL CAPACITY AND AS AGENT MEMBER
OR PARTNER OF KOBAYASHI, SUGITA & GODA, AND ATTORNEY FOR
CONTINENTAL PACIFIC, LLC AND AS LEX SMITH TRUSTEE OF
LEX SMITH SUB TRUST FUND PROFIT SHARING PLAN;
CYNTHIA NOJIMA PERSONALLY AND IN HER CAPACITY AS
CLAIMED LAND OWNER OF LOTS AND HOMES IN KAHUKU VILLAGE V;
KENNETH K.S. LAU, ATTORNEY FOR CONTINENTAL PACIFIC, LLC;
ELITE PACIFIC PROPERTIES, LLC, A DOMESTIC LIMITED
LIABILITY COMPANY, AS AGENT FOR CONTINENTAL PACIFIC, LLC;
PAUL MAYER, AGENT MANAGER AND PERSONALLY;
STEVEN PEYKOFF, AGENT MANAGER AND PERSONALLY;
STEPHEN CIPRES, MANAGER AND PERSONALLY;
REX MATSUO, PERSONALLY AND AS AGENT FOR ELITE PACIFIC
PROPERTIES, LLC; CONTINENTAL PACIFIC, LLC; AND
AGENT FOR LEX SMITH AND CYNTHIA NOJIMA PROPERTIES;
KIRK CALDWELL, MAYOR OF HONOLULU, PERSONALLY AND OFFICIALLY;
GEORGE ATTA, DIRECTOR OF DPP, PERSONALLY AND OFFICIALLY,
BOARD OF WATER SUPPLY; OFFICE OF THE SHERIFF; CHESTER KAU,
PERSONALLY AND OFFICIALLY; CALVIN CHING, PERSONALLY AND
OFFICIALLY; OFFICE OF DISCIPLINARY COUNSEL, CHARLENE NORRIS
AND MARK BRADBURY, BOTH PERSONALLY AND OFFICIALLY;
SENATOR CLAYTON HEE, PERSONALLY AND OFFICIALLY;
DAN ORSO and DENNIS NAKATA, PERSONALLY AND AGENTS FOR CP;
JOHN FRANKLIN d/b/a JOHNNY THE MOVER, AND PERSONALLY;
GERALD PADDOCK, ROBERTO BARNETT, CHAD PIILANI, EMPLOYEES
OF JOHN FRANKLIN IN THEIR PERSONAL CAPACITIES,
Counterclaim Defendants-Appellees,
and
JOHN DOES and JANE ROES 1-10; DOE MUNICIPAL AND
STATE AGENCIES 1-10; JOHN DOE AND JANE ROE MUNICIPAL
AND STATE EMPLOYEES, Counterclaim Defendants.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 12-1-2986)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On May 24, 2016, Defendant/Counterclaim Plaintiff-
Appellant Stella Mulivai (Mulivai) filed the notice of appeal;

(2) On August 15, 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 August 25, 2017, and September 25, 2017, respectively;

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

(4) On October 3, 2017, the appellate clerk notified Mulivai 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 October 13, 2017, for appropriate action, which could include dismissal of the appeal, pursuant to Hawai'i Rules of Appellate Procedure Rules 12.1(e) and 30, and Mulivai may request relief from default by motion; and

(5) Mulivai took no further action in this appeal.

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

DATED: Honolulu, Hawai'i, February 14, 2018.

Presiding Judge

Associate Judge

Associate Judge