

NO. CAAP-17-0000411

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

EDWARD A. TAGUCHI, JR., Claimant-Appellant,  
v.  
SWINERTON BUILDERS NORTHWEST, INC.,  
Employer-Appellee,  
and  
ZURICH NORTH AMERICAN INSURANCE COMPANY/  
GALLAGHER BASSETT SERVICES, INC.,  
Insurance Carriers-Appellees.

APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD  
(CASE NO. AB 2014-256 (DCD No. 2-06-09153))

ORDER GRANTING THE FEBRUARY 1, 2018 MOTION TO DISMISS APPEAL  
(By: Leonard, Presiding Judge, Reifurth and Ginoza, JJ.)

Upon consideration of the Motion for Order Dismissing Appeal (Motion), filed February 1, 2018, by Employer-Appellee Swinerton Builders Northwest, Inc., Insurance Carrier-Appellee Zurich North American Insurance Company, and Insurance Adjuster-Appellee Gallagher Bassett Services, Inc. (Appellees), the papers in support, the record, and there being no opposition, it appears that:

- (1) On May 11, 2017, Claimant-Appellant Edward A. Taguchi, Jr. (Appellant), pro se, filed the notice of appeal;
- (2) On May 12, 2017, the Clerk of the Labor and Industrial Relations Appeals Board (LIRAB clerk) electronically filed the notice of appeal;

(3) On July 3, 2017, the LIRAB 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 July 13, 2017, and August 14, 2017, respectively;

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

(5) Pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rules 12.1(e), 30, and 42(b), Appellees seek to dismiss the appeal for failure to file the statement of jurisdiction and opening brief;

(6) On February 2, 2018, 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 February 12, 2018, for appropriate action, which could include dismissal of the appeal, pursuant to HRAP Rules 12.1(e) and 30, and any request for relief from default should be made by motion; and

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

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

DATED: Honolulu, Hawai'i, February 23, 2018.

Presiding Judge

Associate Judge

Associate Judge