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Intermediate Court of Appeals
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NO. CAAP-17-0000691

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

STATE OF HAWAII, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS,
OFFICE OF CONSUMER PROTECTION, Petitioner-Appellee,

v.

WORLD DISCOVERED, LLC, a Nevada limited liability company,
and WORLD DISCOVERED PACIFIC, LLC, a Hawaii limited liability
company, Respondents-Appellants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 17-1-0249)

ORDER DISMISSING APPEAL, FOR SANCTIONS, AND
REFERRAL TO THE OFFICE OF DISCIPLINARY COUNSEL

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

Upon review of the motion to dismiss for failure to
file civil appeals docketing statement (**Motion to Dismiss**)
(docket 13) filed on November 2, 2017 by Petitioner-Appellee
State of Hawaii Office of Consumer Protection (**State OCP**), the
papers in support, and the record, it appears that:

(1) On September 27, 2017, Respondents-Appellants
World Discovered, LLC and World Discovered Pacific LLC
(collectively, **World Discovered**) filed a notice of appeal through
their counsel Carl H. Osaki (**Osaki**); however, no Civil Appeal
Docketing Statement (**CADS**) was filed as required under Rule 3.1
of the Hawaii Rules of Appellate Procedure;

(2) On October 11, 2017, the appellate clerk filed a CADS deficiency notice, which notified World Discovered of the absence of the CADS and the potential that if the CADS were not filed by October 23, 2017, sanctions could ensue, including dismissal of the appeal;

(3) World Discovered failed to file the CADS by October 23, 2017;

(4) On November 2, 2017, State OCP filed the Motion to Dismiss for failure to file the CADS, and World Discovered failed to timely respond to said motion or file the CADS.

(3) The record on appeal was filed on November 22, 2017, and the appellate clerk informed World Discovered that the statement of jurisdiction was due on November 22, 2017 and that the opening brief was due on January 2, 2018.

(4) On January 5, 2018, this court issued an order that required Osaki to show cause by January 12, 2018 as to why he should not be sanctioned for failing to file the CADS and why the appeal should not be dismissed.

(5) Osaki did not respond to the January 5, 2018 order to show cause.

(6) On January 18, 2018, the appellate clerk filed a notice (**Default Notice**) that informed Osaki and World Discovered that:

(a) the time for filing the statement of jurisdiction and the opening brief expired;

(b) pursuant to Rule 30 of the Hawai'i Rules of Appellate Procedure, the matter would be called to the attention of the court on January 29, 2018 for such action as the court deems proper; and

(c) the appeal may be dismissed.

(7) Subsequent to said January 18, 2018 Default Notice, World Discovered failed to file a request for relief from default, the CADS, the statement of jurisdiction, or the opening brief.

THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. Osaki is sanctioned in the sum of \$50.00. The aforementioned sanction shall be paid by the attorney personally, without reimbursement. A check in the amount of said sum, payable to the State Director of Finance, shall be deposited with the Supreme Court Clerk's Office within five (5) days from the date of this order, with a copy of this order attached to said check. An affidavit or declaration of counsel attesting to said payment shall be filed with this court within five (5) days after entry of this order.

2. This matter is referred to the Office of Disciplinary Counsel.

3. The appellate clerk shall electronically serve and additionally shall mail a copy of this order to Osaki and shall mail a copy of this order to the Office of Disciplinary Counsel within ten (10) days from the date of this order.

4. The appeal is dismissed for failure to file the opening brief, statement of jurisdiction, and the civil appeals docketing statement.

5. The Motion to Dismiss is denied as unnecessary.

DATED: Honolulu, Hawai'i, February 16, 2018.


Chief Judge


Associate Judge


Associate Judge