

NO. CAAP-17-0000571

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

JAMES G. WILLIAMS, Plaintiff-Appellee,  
v.  
ZACHARY J. WILLIAMS and ANNALENE KOTZ WILLIAMS,  
husband and wife,  
Defendants-Appellants,  
and  
ROCCO V. CAPPETO, JR. And LINDA M. CAPPETO,  
husband and wife,  
Defendants-Appellees,  
and  
JOHN DOES 1-10; JANE DOES 1-10; DOE CORPORATIONS 1-10;  
DOE PARTNERSHIPS 1-10; DOE TRUSTS 1-10; and  
DOE GOVERNMENTAL ENTITIES 1-10,  
Defendants.

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT  
(CIVIL NO. 16-1-153K)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On July 27, 2017, Defendants-Appellants Zachary J. Williams and Annalene Kotz Williams (Appellants), pro se, filed a civil appeals docketing statement but did not file a notice of

appeal. Nonetheless, the appeal proceeded as if Appellants had filed a notice of appeal;<sup>1</sup>

(2) On September 25, 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 October 5, 2017, and November 6, 2017, respectively. It is not clear whether the appellate clerk mailed the notice of entering case on calendar to Appellants, who are not registered Judiciary Electronic Filing System Users;

(3) Appellants did not file the statement of jurisdiction or opening brief, or request an extension of time;

(4) On December 13, 2017, the appellate clerk notified Appellants 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 December 26, 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 any request for relief from default should be made by motion. The appellate clerk mailed the default notice to Appellants, and no return mail was received; and

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

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

DATED: Honolulu, Hawai'i, March 6, 2018.

Presiding Judge

Associate Judge

Associate Judge

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<sup>1</sup> The court does not decide here whether the appeal should be dismissed for failure to file a notice of appeal.