

NO. CAAP-17-0000608

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

BANK OF AMERICA, N.A., Plaintiff-Appellee,  
v.  
SHERRI I. FOSTER, JOYCE E. SEARS, and ROBERT H. MIDDLETON,  
COLLECTIVELY AS SUCCESSOR CO-TRUSTEES FOR THE MONITA Y.  
MIDDLETON TRUST, Defendants-Appellees,  
and  
ROBERT H. MIDDLETON, Defendant-Appellant,  
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 FIFTH CIRCUIT  
(CIVIL NO. 12-1-0314)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On August 15, 2017, Defendant-Appellant Robert H. Middleton, Co-Trustee (Middleton) filed the notice of appeal;

(2) On October 16, 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 26, 2017, and November 27, 2017, respectively;

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

(4) On December 20, 2017, the appellate clerk notified Middleton 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 January 2, 2018, 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 shall be made by motion; and

(5) Middleton 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