

NO. CAAP-17-0000678

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

KAUAI MAKAI, LLC, Plaintiff-Appellee,
v.
KIM T. TA, Defendant-Appellee,
and
PAUL NGUYEN, Defendant-Appellant,
and
JOHN DOES 1-10; JANE DOES 1-10; DOE ENTITIES 1-10;
DOE PARTNERSHIPS 1-10; and DOE GOVERNMENTAL UNITS 1-10,
Defendants.

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CIVIL NO. 14-1-0243 (JKW))

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On September 22, 2017, Defendant-Appellant Paul Nguyen (Paul Nguyen), pro se, filed the notice of appeal;

(2) The notice of appeal indicates it is on behalf of Paul Nguyen and "Kim Ngyen," but it is signed by Paul Nguyen only. Kim T. Ta (Kim Ta) is a defendant in the underlying case. It is unclear whether Kim Ta is the same person as Kim Ngyen. In any event, neither Kim Ngyen nor Kim Ta signed the notice of appeal. Paul Nguyen is not an attorney, and, therefore, may not execute the notice of appeal or enter an appearance for Kim Ngyen or Kim Ta. See HRS §§ 605-2 & 605-14 (2016); Oahu Plumbing & Sheet Metal, Ltd. v. Kona Constr., Inc., 60 Haw. 372, 377, 590

P.2d 570, 573 (1979). Thus, the notice of appeal is valid as to Paul Nguyen only;

(3) On November 21, 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 December 1, 2017, and January 2, 2018, respectively;

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

(5) On January 17, 2018, the appellate clerk notified Paul Nguyen 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 29, 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 should be made by motion; and

(6) Paul Nguyen took no further action in this appeal.

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

IT IS FURTHER ORDERED that all pending motions are dismissed as moot.

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

Presiding Judge

Associate Judge

Associate Judge