

NO. CAAP-17-0000411

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

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

APPEAL FROM LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD
(CASE NO. AB 2014-256)

ORDER GRANTING MOTION TO DISMISS APPEAL WITH PREJUDICE
(By: Ginoza, Chief Judge, Fujise and Leonard, JJ.)

Upon consideration of the motion to dismiss appeal with prejudice (Motion) filed on August 6, 2018 by Employer-Appellee Swinerton Builders Northwest, Inc. (Swinerton), the papers in support, and the records and files herein, it appears that:

(1) By order filed on July 2, 2018, the June 6, 2018 opening brief of Claimant-Appellant Edward A. Taguchi, Jr., pro se (Taguchi) was stricken, and Taguchi was ordered to file an amended opening brief by August 1, 2018, and the record reflects that the July 2, 2018 order was mailed to Taguchi at his address of record;

(2) No amended opening brief or motion for extension to file the amended opening brief was filed by Taguchi by the due date of August 1, 2018 or to date;

(3) On August 6, 2018, Swinerton filed the instant Motion where no amended opening brief was filed;

(4) Swinerton reflects in its certificate of service to the Motion that a copy of the Motion was mailed to Taguchi on August 6, 2018; and

(5) No opposition has been filed by Taguchi to the Motion.

THEREFORE, IT IS HEREBY ORDERED that the Motion is granted, and the appeal is dismissed with prejudice.

DATED: Honolulu, Hawai'i, January 11, 2019.

Chief Judge

Associate Judge

Associate Judge