

NO. CAAP-18-0000217

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR HSI ASSET
SECURITIZATION CORPORATION 2006-OPT3 MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-OPT3, Plaintiff-Appellee, v.
RICHARD D. ECKERLE and DANIELA ECKERLE, Defendants-Appellants;
and JOHN DOES 1-20; JANE DOES 1-20; DOE CORPORATIONS 1-20; DOE
ENTITIES 1-20; and DOE GOVERNMENTAL UNITS 1-20, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 16-1-214K)

ORDER GRANTING MOTION TO DISMISS APPEAL

(By: Reifurth, Presiding Judge, Chan and Hiraoka, JJ.)

Upon consideration of Plaintiff-Appellee Deutsche Bank National Trust Company, Trustee's (Deutsche Bank) March 14, 2019 Motion for Order Dismissing Appeal (Motion), the papers in support, the record, and there being no opposition, it appears that:

(1) On July 6, 2018, the court granted, among other things, pro se Defendants-Appellants Richard D. Eckerle and Daniela Eckerle's (the Eckerles) motion for relief from default and a first extension of time for the statement of jurisdiction to July 9, 2018, and a first extension of time for the opening brief to September 24, 2018;

(2) The Eckerles failed to file either document or request an extension;

(3) On October 29, 2018, the appellate clerk entered a notice of default for the statement of jurisdiction and opening

brief, indicating the matter would be called to the court's attention on November 8, 2018, for action that could include dismissal, under Hawai'i Rules of Appellate Procedure (HRAP) Rules 12.1(e) and 30, and the Eckerles could seek relief from default by motion;

(4) On March 14, 2019, Deutsche Bank filed the instant Motion to dismiss the appeal, under HRAP Rules 12.1(e) and 30, among others, for failure to file the statement of jurisdiction and opening brief; and

(5) A response to the Motion was due on or before March 21, 2019. See HRAP Rules 26(a) & 27(a). The Eckerles did not respond to the instant Motion or the default notice, and took no further action in this appeal.

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

DATED: Honolulu, Hawai'i, April 10, 2019.

Presiding Judge

Associate Judge

Associate Judge