

NO. CAAP-18-0000574

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

LONDON ROBINSON, individually and on behalf of all others
similarly situated, Plaintiff-Appellant, v.
BANK OF HAWAII doing business as BANKOH, Defendant-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 17-1-0117)

ORDER DISMISSING APPEAL

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

Upon review of the records in case number CAAP-18-0000574 and in the Judiciary's Ho'ohiki database for the underlying case, Civil No. 17-1-0117, it appears that:

(1) On July 19, 2018, Plaintiff-Appellant Landon Robinson (Robinson) filed the notice of appeal;

(2) On October 29, 2018, the circuit court clerk filed the record on appeal, and the appellate clerk notified the parties that, among other things, the opening brief was due on or before December 10, 2018;

(3) Robinson did not file the opening brief or request an extension of time;

(4) On December 14, 2018, the appellate clerk notified Robinson that the time for filing the opening brief had expired, the matter would be called to the court's attention on December 24, 2018, for appropriate action, which could include dismissal of the appeal, pursuant to Hawai'i Rules of Appellate Procedure Rule 30, and Robinson may request relief from default by motion;

(5) On December 18, 2018, Robinson filed a motion for temporary remand for the circuit court to approve a settlement;

(6) On January 8, 2019, the court granted the December 18, 2018 motion and temporarily remanded the case to the circuit court for sixty days but no later than March 11, 2019. The court ordered that no later than March 11, 2019, if the circuit court approved the settlement, then Robinson or the parties shall file appropriate documents to dismiss the appeal; if additional time was needed on remand, then Robinson or the parties shall file a motion for extension of time; and "if neither documents to dismiss the appeal nor a motion for additional time on remand is filed, jurisdiction will automatically return to this court";

(7) The Judiciary's Ho'ohiki database suggests the circuit court in the underlying case entered an order approving settlement on January 28, 2019;

(8) Robinson and the parties took no further action in this appeal; and

(9) Although it appears the circuit court may have approved a settlement agreement in the underlying case and Robinson and the parties failed to request this court to dismiss this appeal, consistent with the January 8, 2019 order,

jurisdiction returned to this court on March 11, 2019, and the court will dismiss the appeal for failure to file the opening brief.

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

DATED: Honolulu, Hawai'i, May 23, 2019.

Presiding Judge

Associate Judge

Associate Judge