

NO. CAAP-18-0000956

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9
MASTER PARTICIPATION TRUST, Plaintiff-Appellee,
v.

RANDALL M.L. YEE, AS SPECIAL ADMINISTRATOR FOR
THE ESTATE OF OLIVER H. CUMMINGS, SR.;
RANDALL M.L. YEE, AS SPECIAL ADMINISTRATOR
FOR THE ESTATE OF LAURA E.M.K. CUMMINGS,
Defendants-Appellees,

OLIVER H. CUMMINGS, JR., SUCCESSOR TRUSTEE
UNDER THE OLIVER H. CUMMINGS, SR. TRUST DATED
OCTOBER 26, 2006; OLIVER H. CUMMINGS, JR.,
SUCCESSOR TRUSTEE UNDER THE LAURA E.M.K. CUMMINGS
TRUST DATED OCTOBER 26, 2006, Defendant-Appellant,
and

JOHN DOES 1-50; JANE DOES 1-50;
DOE PARTNERSHIPS 1-50; DOE CORPORATIONS 1-50;
DOE ENTITIES 1-50; AND DOE GOVERNMENTAL UNITS 1-50,
Defendants.

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CIVIL NO. 13-1-0858 (2))

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On December 18, 2018, Defendant-Appellant Oliver H. Cummings, Jr. (Cummings), pro se, filed the notice of appeal;

(2) On February 11, 2019, 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 March 25, 2019;

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

(4) On April 26, 2019, the appellate clerk notified Cummings that the time for filing the opening brief had expired, the matter would be called to the court's attention on May 6, 2019, for appropriate action, which could include dismissal of the appeal, under Hawai'i Rules of Appellate Procedure Rule 30, and Cummings may request relief from default by motion; and

(5) Cummings took no further action in this appeal. Therefore, IT IS HEREBY ORDERED that the appeal is dismissed.

Dated: Honolulu, Hawai'i, May 15, 2019.

Presiding Judge

Associate Judge

Associate Judge