

NO. CAAP-19-0000050

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAI'I

ESTATE ADMINISTRATIVE SERVICES LLC, Interim Personal  
Representative for the Estate of Philip Finn,  
Plaintiff-Appellee, v. SIONE P. MOHULAMU, FALAULA  
TINOGA, SR., and SAMANTHA KALIKO, Defendants-Appellees,  
and CHRISTY TIGILAU, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT  
HONOLULU DIVISION  
(CIVIL NO. 1RC18-1-8145)

ORDER APPROVING STIPULATION TO DISMISS APPEAL

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

Upon review of the record in appellate case number CAAP-19-0000050 and the record in the Judiciary's Ho'ohiki database for the underlying district court case, Civil No. 1RC18-1-8145, it appears that:

(1) On January 23, 2019, Defendant-Appellant Christy Tigilau (Tigilau), pro se, filed the notice of appeal and a motion for leave to proceed on appeal *in forma pauperis*;

(2) On January 25, 2019, the court denied Tigilau's January 23, 2019 motion without prejudice to her seeking relief in the underlying case, because she failed to demonstrate she first sought relief in the underlying case, consistent with Hawai'i Rules of Appellate Procedure (HRAP) Rule 24(a), or that

any exceptions applied. The court ordered that within ten days from the date of the order, Tigilau shall either file in the underlying case a motion for leave to proceed on appeal *in forma pauperis* that complied with HRAP Rule 24(a), or pay the filing fees in the full amount to the Supreme Court Clerk's Office. The court cautioned Tigilau that "[f]ailure to file in the underlying case a motion for leave to proceed on appeal *in forma pauperis* or pay the filing fees may result in the appeal being dismissed.

See HRAP Rule 24(c);"<sup>1</sup>

(3) Tigilau failed to comply with the January 25, 2019 order;

(4) On February 7, 2019, Tigilau filed in this appeal another motion for leave to proceed on appeal *in forma pauperis*;

(5) On February 27, 2019, the district court clerk filed the record on appeal and the appellate clerk notified Tigilau that the statement of jurisdiction and opening brief were due on or before March 11, 2019, and April 8, 2019, respectively;

(6) Tigilau failed to timely file either document or request an extension of time, and therefore is in default;

(7) On May 20, 2019, Tigilau filed a late statement of jurisdiction without the court's permission, and a motion for extension of time for the opening brief;

(8) On June 4, 2019, the court, among other things, denied Tigilau's February 7, 2019 motion for leave to proceed on appeal *in forma pauperis* again without prejudice to Tigilau, within ten days from the order, either filing in the underlying case a motion for leave to proceed on appeal *in forma pauperis* that complied with HRAP Rule 24(a), or paying the filing fees in

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<sup>1/</sup> HRAP Rule 24(c) states:

**(c) Effect of denial of motion for leave to proceed in forma pauperis.** If the motion to proceed in forma pauperis is denied the movant shall, within 10 days after the denial of such a motion, pay all unpaid filing fees and shall give security for costs. Failure of the unsuccessful movant to pay the unpaid filing fees or to give security for costs shall not affect the validity of the appeal, but is ground for such action as the appellate court having jurisdiction over the appeal deems appropriate, and may include dismissal of the appeal.

the full amount to the Supreme Court Clerk's Office. The court again cautioned Tigilau that "[f]ailure to file in the underlying case a motion for leave to proceed on appeal *in forma pauperis* or pay the filing fees may result in the appeal being dismissed.

See HRAP Rule 24(c);"

(9) Tigilau has not paid the filing fees, filed in the underlying case a motion for leave to proceed on appeal *in forma pauperis*, or taken any further action in this appeal. Consistent with the June 4, 2019 order and HRAP Rule 24(c), dismissal of the appeal is warranted.

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

IT IS FURTHER ORDERED that all pending motions are dismissed.

DATED: Honolulu, Hawai'i, June 20, 2019.

Presiding Judge

Associate Judge

Associate Judge