

NO. CAAP-20-0000021

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

OFFSHORE ART, LLC, a Nevada Limited Liability Company,
Plaintiff-Appellee, v. DRINK ENTERPRISES LLC,
a Hawaii Limited Liability Company; Defendant-Appellant,
JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10;
DOE CORPORATIONS 1-10; DOE ENTITIES 1-10, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CIVIL NO. 2CC181000307(2))

ORDER DISMISSING APPEAL

(By: Ginoza, Chief Judge, Leonard and Wadsworth, JJ.)

Upon review of the record, it appears that:

(1) On March 6, 2020, the circuit court clerk filed the record on appeal;

(2) On March 9, 2020, the appellate clerk notified the parties that the statement of jurisdiction and opening brief were due on or before March 16, 2020, and April 15, 2020, respectively;

(3) Defendant-Appellant Drink Enterprises LLC (Drink) failed to file either document or request an extension of time;

(4) On May 4, 2020, Plaintiff-Appellee Offshore Art, LLC filed a Notice of Failure to File Jurisdictional Statement and Opening Brief, which the court construes as a motion to dismiss the appeal for failure to file the statement of jurisdiction and opening brief (May 4, 2020 Motion);

(5) Drink did not file a response to the May 4, 2020 Motion;

(6) On May 13, 2020, the appellate clerk notified Drink that the time for filing the statement of jurisdiction and opening brief had expired, the matter would be called to the court's attention on May 26, 2020, for appropriate action, which could include dismissal of the appeal, under Hawai'i Rules of Appellate Procedure Rules 12.1(e) and 30, and Drink could request relief from default by motion; and

(7) Drink took no further action in this appeal.

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 3, 2020.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Katherine G. Leonard
Associate Judge

/s/ Clyde J. Wadsworth
Associate Judge