

NO. CAAP-20-0000482

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

BENJAMIN GALE, PERSONAL REPRESENTATIVE OF THE
ESTATE OF KAREN INGALLS STIRLING, Plaintiff-Appellee, v.
OLGA BORDENYUK, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT
WAILUKU DIVISION
(CASE NO. 2RC191001004)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On July 28, 2020, self-represented Defendant-Appellant Olga Bordenyuk (Bordenyuk) filed the notice of appeal;

(2) On August 6, 2020, the district court clerk filed the record on appeal, and the appellate clerk notified the parties that the statement of jurisdiction and opening brief were due on or before August 17, 2020, and September 15, 2020, respectively;

(3) Bordenyuk failed to file either document or request an extension;

(4) On October 6, 2020, the appellate clerk notified Bordenyuk 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 October 16, 2020, for appropriate action, which could include dismissal of the appeal, under Hawaii Rules of Appellate Procedure (HRAP) Rules 12.1(e) and 30, and Bordenyuk could request relief from default by motion;

(5) Bordenyuk did not respond to the default notice;

(6) On February 17, 2021, Plaintiff-Appellee Benjamin Gale (Gale), as Personal Representative of the Estate of Karen Ingalls Stirling, filed a motion to dismiss the appeal for failure to file the statement of jurisdiction and opening brief;

(7) On February 18, 2021, Bordenyuk filed a letter, which the court construes as a response to the motion to dismiss the appeal. Bordenyuk does not explain why she failed to file the statement of jurisdiction and opening brief, request relief from default or an extension of time to file either document, or otherwise indicate she intends to file either document; and

(8) Bordenyuk took no further action in this appeal.

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed for failure to file the statement of jurisdiction and opening brief. HRAP Rules 12.1(e) & 30.

IT IS FURTHER ORDERED that all pending motions are dismissed.

DATED: Honolulu, Hawai'i, March 1, 2021.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Karen T. Nakasone
Associate Judge