

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-19-0000184

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

HAWAII FIRST FEDERAL CREDIT UNION, a federal corporation,
Plaintiff-Appellee, v. SHARON LYNN LANDRY, Defendant-Appellant,
and DOE DEFENDANTS 1-10, Defendant-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 18-1-0169)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On March 15, 2019, self-represented Defendant-Appellant Sharon Lynn Landry (Landry) filed the notice of appeal;

(2) On May 14, 2019, the circuit court clerk filed the record on appeal, and the appellate clerk notified Landry of the deadlines to file the statement of jurisdiction and opening brief;

(3) Landry failed to file either document or request an extension of time, and the appellate clerk entered a default notice;

(4) On May 28, 2020, the court struck the default notice and extended the deadline for the statement of jurisdiction and opening brief to June 29, 2020, because a bankruptcy stay was in effect when the record on appeal was filed and when the appellate clerk entered the default notice;

(5) On June 24, 2020, Plaintiff-Appellee Hawaii First Federal Credit Union (Hawaii First) filed a notice of bankruptcy,

indicating Landry filed another bankruptcy petition on June 14, 2020, which stayed the appeal under 11 U.S.C. § 362(a) (2010) and Hawai'i Rules of Appellate Procedure (HRAP) Rule 54(c);

(6) On December 11, 2020, Hawaii First filed a notice indicating the bankruptcy court dismissed Landry's second bankruptcy case on December 7, 2020;

(7) Under HRAP Rule 54(a), which is self-executing, if a bankruptcy stay ends and the record on appeal has been filed but briefing has not been completed, then the provisions in HRAP Rules 28 through 30 shall apply as if the bankruptcy stay termination date "is the filing date of the last appropriate document." HRAP Rule 54(a). Here, because the opening brief has not been filed, it became due within forty days after the bankruptcy terminated on December 7, 2020, which would have been January 19, 2021. See HRAP Rules 26(a), 28(b), 54(a);

(8) Landry did not file the statement of jurisdiction or opening brief, or request an extension of time;

(9) On June 17, 2021, the appellate clerk entered a default notice informing Landry 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 June 28, 2021, for appropriate action, which could include dismissal of the appeal, under HRAP Rules 12.1(e) and 30, and Landry may request relief from default by motion; and

(10) Landry 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 30, 2021.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Alexa D.M. Fujise
Associate Judge

/s/ Clyde J. Wadsworth
Associate Judge