

NO. CAAP-21-0000481

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

SCOTT BUKOSKI, Plaintiff-Appellee, v.
JULIA J. WHEELER, Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
PUNA DIVISION
(REPORT NO. 3DRC-21-0001064)

ORDER DISMISSING APPEAL
(By: Ginoza, Chief Judge, Leonard and McCullen, JJ.)

Upon review of the record, it appears that:

(1) The statement of jurisdiction and opening brief were due on or before October 18, 2021, and November 15, 2021, respectively;

(2) Self-represented Defendant-Appellant Julia J. Wheeler (Wheeler) failed to file either document or request an extension of time;

(3) On November 22, 2021, the appellate clerk entered a default notice informing Wheeler 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 December 2, 2021, for appropriate action, which could include dismissal of the appeal, under Hawai'i Rules of Appellate Procedure (HRAP) Rules 12.1(e) and 30, and Wheeler could request relief from default by motion;

(4) The appellate clerk mailed the notice of entering case on calendar and the default notice to Wheeler at her address on record. The United States Postal Service did not return the

notice of entering case on calendar but returned the default notice as "unclaimed" and "unable to forward"; and

(5) Wheeler has not filed a notice of change of address, consistent with HRAP Rule 25(f), or taken any further action in this appeal since filing the notice of appeal.

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

DATED: Honolulu, Hawai'i, April 20, 2022.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Katherine G. Leonard
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge