

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NOS. CAAP-20-0000430 AND CAAP-21-0000370

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

CAAP-20-0000430

IN THE MATTER OF THE CONSERVATORSHIP AND GUARDIANSHIP OF
SHEENA MAY WINNIE, also known as SHEENA M. WINNIE,
also known as SHEENA WINNIE, RESPONDENT-APPELLANT

AND

CAAP-21-0000370

IN THE MATTER OF THE CONSERVATORSHIP AND GUARDIANSHIP OF
SHEENA MAY WINNIE, also known as SHEENA M. WINNIE,
also known as SHEENA WINNIE, RESPONDENT-APPELLANT

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1CG191000045)

ORDER DISMISSING APPEAL OF RESPONDENT-APPELLANT
SHEENA MAY WINNIE

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

Upon review of the record in this consolidated appeal,
it appears that:

(1) On November 30, 2020, counsel for Appellant-
Respondent Sheena May Winnie (**Winnie**) filed a Notice of
Suggestion of Death (**Notice**) for Winnie in CAAP-20-0000430,
pursuant to Hawai'i Rules of Appellate Procedure (**HRAP**) Rule
43(a);

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(2) On May 4, 2022, this court ordered (**May 4, 2022 Order**) that within thirty days from the May 4, 2022 Order, counsel for Winnie shall confirm whether an administrative or personal representative had been appointed for Winnie's estate and, if so, Winnie's counsel shall take further action as specified in the Order;

(3) The May 4, 2022 Order also stated that if a motion to substitute under HRAP Rule 43(a) was not filed within sixty (60) days of the May 4, 2022 Order, the appeal may be dismissed; and

(4) On June 2, 2022, Winnie's counsel filed a response to the May 4, 2022 Order, informing this court that as of May 28, 2021, Maximum Legal Service Corporation (**MaxCorp**) was appointed as the Personal Representative of Winnie's estate, and that MaxCorp did not intend to substitute as a party in the consolidated appeal.

Therefore, IT IS HEREBY ORDERED that the appeal of Respondent-Appellant Sheena May Winnie is dismissed under HRAP Rule 43(a), based upon Winnie's death, and there being no substitute appellant in this case.

IT IS FURTHER ORDERED that the dismissal of Winnie's initial appeal does not affect the cross-appeal filed by Interested Person-Appellee/Cross-Appellant Ralph E. Winnie Jr. (CAAP-21-0000370) that was consolidated with Winnie's initial appeal under CAAP-20-0000430.

DATED: Honolulu, Hawai'i, July 14, 2022.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Karen T. Nakasone
Associate Judge