

NO. CAAP-22-0000111

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

ASSOCIATION OF APARTMENT OWNERS OF ISLAND COLONY,
by and through its Board of Directors,
Plaintiff/Counterclaim Defendant-Appellee, v.
MICHAEL JOSEFOWSKI, Defendant/Counterclaimant-Appellant, and
DOE DEFENDANTS 1-10, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1CCV-21-0000494)

ORDER GRANTING MOTION TO DISMISS APPEAL
(By: Wadsworth, Presiding Judge, Nakasone and Chan, JJ.)

Upon consideration of the September 29, 2022 Motion to Dismiss Appeal (**motion**) by Plaintiff/Counterclaim Defendant-Appellee Association of Apartment Owners of Island Colony, by and through its Board of Directors, the papers in support, and the record, it appears that:

(1) On March 11, 2022, Defendant/Counterclaimant-Appellant Michael Josefowski (**Appellant**) filed a notice of appeal;

(2) On April 22, 2022, the circuit 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 May 2, 2022, and June 1, 2022, respectively;

(3) Pursuant to a clerk's extension, the deadline to file the opening brief was extended to July 1, 2022;

(4) On July 5, 2022, the appellate clerk notified Appellant 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 July 15, 2022, for appropriate action, which could include dismissal of the appeal, pursuant to Hawai'i Rules of Appellate Procedure Rules 12.1(e) and 30, and Appellant may request relief from default by motion;

(5) On August 23, 2022, this court granted Appellant relief from default, the deadlines to file the statement of jurisdiction and opening brief were extended to September 22, 2022, and Appellant was warned that further default of the statement of jurisdiction and opening brief may result in sanctions, including dismissal of the appeal, pursuant to Hawai'i Rules of Appellate Procedure Rules 12.1(e) and 30, and

(6) Appellant took no further action in this appeal.

Therefore, IT IS HEREBY ORDERED that the motion is granted and the appeal is dismissed. The request to impose sanctions upon Appellant is denied.

DATED: Honolulu, Hawai'i, January 27, 2023.

/s/ Clyde J. Wadsworth
Presiding Judge

/s/ Karen T. Nakasone
Associate Judge

/s/ Derrick H.M. Chan
Associate Judge