

NO. CAAP-23-00000114

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

CONTINENTAL PACIFIC, LLC, a Delaware limited liability company,
Plaintiff-Appellee, v.
VANCE PHILLIP DUBUCLET, Defendant-Appellant, and
PORTFOLIO RECOVERY ASSOCIATES, LLC,
a Delaware limited liability company;
and DOE DEFENDANTS 1-10, Defendants-Appellees.

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 3CCV-21-0000096)

ORDER DISMISSING APPEAL FOR LACK OF APPELLATE JURISDICTION
(By: Ginoza, Chief Judge, Wadsworth and Chan, JJ.)

Upon review of the record, it appears that self-represented Defendant-Appellant Vance Phillip DuBuclet (**DuBuclet**) appeals from the Circuit Court of the Third Circuit's: (1) Order Granting Plaintiff's Motion to Strike [DuBuclet's] Jury Demand, (2) Findings of Fact, Conclusions of Law and Order Granting Plaintiff's Motion for Summary Judgment and Interlocutory Decree of Foreclosure, and (3) Judgment, all entered September 16, 2022.

We lack jurisdiction over the appeal, as DuBuclet failed to file the Notice of Appeal within thirty days after September 16, 2022. See Hawai'i Rules of Appellate Procedure Rules 4(a)(1) ("[T]he notice of appeal shall be filed within 30 days after entry of the judgment or appealable order[.]") and 26(e) ("The reviewing court for good cause shown may relieve a party from a default occasioned by any failure to comply with these rules, except the failure to give timely notice of appeal."); Bacon v. Karlin, 68 Haw. 648, 650, 727 P.2d 1127, 1129

(1986) ("an appellant's failure to file a timely notice of appeal is a jurisdictional defect that can neither be waived by the parties nor disregarded by the court in the exercise of judicial discretion") (internal quotation marks and brackets omitted).

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed for lack of appellate jurisdiction.

IT IS FURTHER ORDERED that all pending motions are dismissed as moot.

DATED: Honolulu, Hawai'i, May 9, 2023.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Derrick H.M. Chan
Associate Judge