

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-23-0000274

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

GROVE FARM COMPANY, INCORPORATED,
a Hawai'i corporation, Plaintiff-Appellee, v.
PRODUCTION IMPROVED GENETICS, INC., a Hawai'i corporation;
DOES 1-10, Defendants-Appellees, and
SCOTT KUROIWA, Intervenor-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIFTH CIRCUIT
LIHU'E DIVISION
(CIVIL NO. 5DRC-23-0000021)

ORDER DISMISSING APPEAL

(By: Wadsworth, Presiding Judge, Nakasone and Guidry, JJ.)

Upon review of the record, it appears that:

(1) The opening brief was due on a second extension on or before September 8, 2023;

(2) Self-represented Intervenor-Appellant Scott Kuroiwa (**Kuroiwa**) failed to file the opening brief or request a further extension of time;

(3) On September 15, 2023, the appellate clerk entered a default notice informing Kuroiwa that the time for filing the opening brief had expired, the matter would be called to the court's attention on September 25, 2023, for appropriate action, which could include dismissal of the appeal under Hawai'i Rules of Appellate Procedure Rule 30, and Kuroiwa could request relief from default by motion;¹ and

¹ The default notice was electronically delivered to Kuroiwa on September 15, 2023.

(4) Kuroiwa has not taken any further action in this appeal.

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

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

/s/ Clyde J. Wadsworth
Presiding Judge

/s/ Karen T. Nakasone
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge