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Intermediate Court of Appeals
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NO. CAAP-23-0000291

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

CHARLES DAVID WAGNER, TRUSTEE OF THE
CHARLES DAVID WAGNER TRUST DATED FEBRUARY 16, 1995, AND
JILL ABIGAIL WAGNER, TRUSTEE OF THE
JILL ABIGAIL WAGNER TRUST DATED FEBRUARY 16, 1995,
Plaintiffs-Appellants, v.
ANEKONA ESTATES COMMUNITY ASSOCIATION,
a Hawai'i nonprofit corporation,
Defendant-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CASE NO. 3CCV-23-0000319)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

- (1) The statement of jurisdiction and opening brief were due on or before June 13, 2023, and July 11, 2023, respectively;
- (2) Plaintiffs-Appellants Charles David Wagner, Trustee of the Charles David Wagner Trust Dated February 16, 1995 and Jill Abigail Wagner, Trustee of the Jill Abigail Wagner Trust Dated February 16, 1995 (together, **Appellants**), failed to file either document, or request an extension of time;
- (3) On July 12, 2023, the appellate clerk entered a default notice informing Appellants 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 24, 2023, for appropriate action, which could include dismissal of the

appeal under Hawai'i Rules of Appellate Procedure Rules 12.1(e) and 30, and Appellants could request relief from default by motion; and

(4) Appellants have not taken any further action in this appeal.

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

DATED: Honolulu, Hawai'i, November 3, 2023.

/s/ Clyde J. Wadsworth
Presiding Judge

/s/ Karen T. Nakasone
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge