

**Electronically Filed
Intermediate Court of Appeals
CAAP-23-0000754
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NO. CAAP-23-0000754

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

PNC BANK NATIONAL ASSOCIATION, Plaintiff-Appellee, v.
SAMUEL NOAH KEONI LEVITZ, Defendant-Appellant, and
WESTGATE FAMILY PHYSICIANS;
FORECLOSURE FUNDING GROUP, LLC; BANK OF AMERICA, N.A.;
JANELLE WEBB, TRUSTEE OF THE SCRAPPY DU TRUST;
STATE OF HAWAII, DEPARTMENT OF TAXATION;
CITY AND COUNTY OF HONOLULU,
DEPARTMENT OF PLANNING AND PERMITTING,
Defendants-Appellees, and
JOHN DOES 1-50; JANE DOES 1-50;
DOE PARTNERSHIPS 1-50; DOE CORPORATIONS 1-50;
DOE ENTITIES 1-50; and DOE GOVERNMENTAL UNITS 1-50,
Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CASE NO. 1CC141000551)

ORDER DISMISSING APPEAL

(By: Leonard, Acting Chief Judge, Hiraoka and Wadsworth, JJ.)

Upon review of the record, it appears that:

- (1) The statement of jurisdiction and opening brief were due on or before February 9, 2024, and March 11, 2024, respectively;
- (2) Self-represented Defendant-Appellant Samuel Noah Keoni Levitz (Levitz) failed to file either document, or request an extension of time;
- (3) On March 15, 2024, the appellate clerk entered a default notice informing Levitz 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 March 25, 2024, for appropriate action, which could include dismissal of

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

(4) Levitz has not taken any further action in this appeal;

(5) On January 16, 2024, the court ordered Deputy Attorney General Winston I. Wong (Wong) to file, within ten days from the order, a declaration, affidavit, or certificate of service indicating Wong's January 10, 2024 letter, which the court construed as a motion to withdraw as counsel, under HRAP Rule 50(a), was provided to the client, or that the client was otherwise informed of Deputy Attorneys General Gary Shiro Suganuma, Patrick K. Kelly, and Teresa Dawn Zetwick's withdrawal;

(6) Wong did not file a response to the January 16, 2024 order;¹ and

(7) On March 27, 2024, Deputy Attorneys General Nathan S.C. Chee and Joshua J. Michaels filed a letter, which the court construes as a motion to withdraw Wong as counsel for Defendant-Appellee State of Hawai'i, Department of Taxation, under HRAP Rule 50(a). Like Wong's January 10, 2024 letter, the March 27, 2024 letter does not specify whether the client was informed of the withdrawal of counsel.

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

IT IS FURTHER ORDERED that all pending motions are dismissed.

IT IS FURTHER ORDERED that the appellate clerk shall mail a copy of this order to Wong at his address on file with the Hawaii State Bar Association.

DATED: Honolulu, Hawai'i, April 5, 2024.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Clyde J. Wadsworth
Associate Judge

¹ Wong is cautioned to comply with court orders. Future violations may result in sanctions.