

**Electronically Filed
Intermediate Court of Appeals
CAAP-24-0000284
25-JUL-2024
07:56 AM
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NO. CAAP-24-0000284

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

THOMAS FRANK SCHMIDT, Plaintiff/Counterclaim Defendant-Appellant,
v. JERE GEARHEART and DALE GEARHEART,
Defendants/Counterclaimants/Third-Party Plaintiffs-Appellees, and
BRIGIDA A. SCHMIDT, Third-Party Defendant-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1CCV-19-0002015)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) The statement of jurisdiction and opening brief were due on or before May 31, 2024, and July 1, 2024, respectively;

(2) Self-represented Plaintiff-Appellant Thomas Frank Schmidt (Appellant) failed to file either document, or request an extension of time;

(3) On July 8, 2024, the appellate clerk entered a default notice informing 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 18, 2024, for appropriate action, which could include dismissal of the appeal, under Hawai'i Rules of Appellate Procedure Rules 12.1(e) and 30, and Appellant could request relief from default by motion; and

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

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

IT IS FURTHER ORDERED that all pending motions are dismissed.

DATED: Honolulu, Hawai'i, July 25, 2024.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge