

**Electronically Filed
Intermediate Court of Appeals
CAAP-24-0000284
29-APR-2025
08:13 AM
Dkt. 44 ODSD**

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 McCullen, JJ.)

Upon review of the record, it appears that:

(1) On July 25, 2024, the court dismissed the appeal filed by self-represented Plaintiff/Counterclaim Defendant-Appellant Thomas **Schmidt** from the Circuit Court of the First Circuit's March 4, 2024 "Final Judgment in Favor of Brigida A. Schmidt and Against Thomas Frank Schmidt" under Hawai'i Rules of Appellate Procedure (**HRAP**) Rules 12.1(e) and 30 due to his default of the statement of jurisdiction and opening brief;

(2) On August 9, 2024, the court granted Schmidt's request for reconsideration of the dismissal, reinstating the appeal, and extending the deadline for the statement of jurisdiction and opening brief to October 4, 2024; the court cautioned Schmidt that any further default of the statement of jurisdiction or opening brief may result in sanctions, including the appeal being dismissed;

(3) On October 4, 2024, the court further extended the deadline for the statement of jurisdiction and opening brief to November 18, 2024; and

(4) Schmidt failed to file either document and has not taken any further action in this appeal.

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed, under HRAP Rules 12.1(e) and 30.

IT IS FURTHER ORDERED that all pending motions are dismissed.

DATED: Honolulu, Hawai'i, April 29, 2025.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge