

**Electronically Filed
Intermediate Court of Appeals
CAAP-24-0000613
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NO. CAAP-24-0000613

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

TREVOR STEPHENS, Plaintiff/Counterclaim Defendant-Appellee, v.
ARON DEUTSCH and EMILY WESSEL, Defendants/Counterclaimants/
Third-Party Plaintiffs-Appellants, and
SHERRY MATOS, Third-Party Defendant-Appellee

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
KONA DIVISION
(CIVIL NO. 3DRC-24-0000724)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On September 19, 2024, self-represented Defendants/Counterclaimants/Third-Party Plaintiffs-Appellants Aron Deutsch and Emily Wessel (together, **Appellants**) filed a notice of appeal;

(2) The same day, the Third Circuit district court clerk notified Appellants that the filing fees had not been paid, and warned Appellants that failure to pay the fees or request a fee waiver may result in the appeal being dismissed, or the notice of appeal being stricken;

(3) The record on appeal was due on or before November 18, 2024, see Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 11(b)(1), but was not filed because Appellants failed to pay the filing fees or obtain a fee waiver;

(4) On November 19, 2024, the appellate clerk entered a default of the record on appeal, informing Appellants that the time to docket the appeal had expired, Appellants had not paid the filing fees or obtained an order allowing Appellants to

proceed on appeal *in forma pauperis*, the matter would be brought to the court's attention on November 29, 2024, for action that may include dismissal of the appeal, and Appellants could seek relief from default by motion; and

(5) Appellants have not taken any further action in this appeal. An appeal may be dismissed where the record on appeal has not been prepared because the appellant failed to pay the required fees or obtain an order allowing the appellant to proceed *in forma pauperis*. HRAP Rule 11(b)(2), (c)(2).

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

DATED: Honolulu, Hawai'i, May 13, 2025.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge