

**Electronically Filed
Intermediate Court of Appeals
CAAP-24-0000654
16-MAY-2025
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Dkt. 24 ODSD**

NO. CAAP-24-0000654

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 consideration of the Motion to Strike, Expunge, and Seal Document Erroneously Filed on October 11, 2024 Under Dkt. 8 (**Motion**), the paper in support, and the record, it appears that:

(1) On October 8, 2024, self-represented Defendants/Counterclaimants/Third-Party Plaintiffs-Appellants Aron Deutsch and Emily Wessel (together, **Appellants**) filed a notice of appeal;

(2) On October 9, 2024, the district court clerk notified Appellants that the filing fees had not been paid, and 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 December 9, 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 December 16, 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 December 26, 2024, for action that may include dismissal of the appeal, and Appellants could seek relief from default by motion;

(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);

(6) In the Motion, Appellants seek to strike, expunge, and/or seal a document they mistakenly filed at docket 8 that is unrelated to this appeal and contains personal information; and

(7) The court finds docket 8 is unrelated to this appeal and contains personal information. See Hawai'i Court Records Rules Rule 2.19.

Therefore, IT IS HEREBY ORDERED that the Motion is granted as follows:

1. The document filed at docket 8 is stricken.
2. The appellate clerk shall seal docket 8.
3. Within ten (10) days from the date of this order, any individual may file a motion objecting to the sealing of the document.

IT IS FURTHER ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, May 16, 2025.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge