

Electronically Filed
Intermediate Court of Appeals
CAAP-26-0000324
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NO. CAAP-26-0000324

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

JAMES YEE MARN, JR., as a limited partner of McCully Associates,
a Hawai'i registered limited partnership, for and on behalf of
McCully Associates and its limited partners,
Plaintiff/Counterclaim Defendant-Appellee,

v.

MCCULLY ASSOCIATES, A Hawai'i registered limited partnership;
ALA WAI INVESTMENT, INC., a Hawai'i corporation, as
general partner of MCCULLY ASSOCIATES,
Defendant/Counterclaimant-Appellee,
and

ALEXANDER Y. MARN, individually and as officer and agent for
ALA WAI INVESTMENT, INC.,
Defendant/Counterclaimant-Appellant,
and

ERIC Y. MARN, individually and as officer and agent for
ALA WAI INVESTMENT, INC.,
Defendant/Counterclaimant-Appellee,
and

JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10;
DOE CORPORATIONS 1-10; and DOE ENTITIES 1-10, Defendants.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CASE NO. 1CC980005371)

ORDER DISMISSING APPEAL

(By: Leonard, Presiding Judge, Guidry and Gluck, JJ.)

Upon review of the record, it appears that:

(1) The opening brief was due on or before July 7, 2026;

(2) Self-represented Defendant/Counterclaimant-Appellant Alexander Y. Marn (**Alexander Marn**) failed to file the opening brief or request a further extension of time;

(3) On July 13, 2026, the appellate clerk entered a default notice informing Alexander Marn that the time for filing the opening brief had expired, the matter would be called to the court's attention on July 23, 2026, for appropriate action, which could include dismissal of the appeal, under Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 30, and Alexander Marn could request relief from default by motion;

(4) The appellate clerk electronically served the notice of entering case on calendar and the default notice upon Alexander Marn; and

(5) Alexander Marn has not taken further action in this appeal.

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

DATED: Honolulu, Hawai'i, October 2, 2026.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Kimberly T. Guidry
Associate Judge

/s/ Daniel M. Gluck
Associate Judge