

NO. 21828

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

ROBERT DUCA, Plaintiff-Counterclaim Defendant-Appellee

vs.

PAULETTE PAONESSA, Defendant-Counterclaimant-Appellant

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 94-2152)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Ramil, and Acoba, JJ.)

Upon review of the record, it appears that this appeal was dismissed on October 26, 1998 for default of the record, but the dismissal was vacated on October 27, 1998 upon notification by appellant that a bankruptcy stay was in effect. It has come to this court's attention that appellant's bankruptcy case was dismissed in December 1998. Appellant did not notify this court of the termination of the bankruptcy stay, as required by former HRAP 39(h) and appellant did not cure the default of the record. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed.
HRAP 11(a).

DATED: Honolulu, Hawai'i, March 28, 2002.