

NO. 23567

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

JERALD HENRY SMITH, Plaintiff-Appellant

vs.

KATHLEEN REECE SMITH, Defendant-Appellee

APPEAL FROM THE FAMILY COURT OF THE SECOND CIRCUIT
(FC-D NO. 98-0091)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that (1) this court informed Appellant Jerald Henry Smith by letter dated November 9, 2000, that the time for filing the opening brief expired on October 31, 2000, and, that, pursuant to Rule 30 of the Hawai'i Rules of Appellate Procedure, the matter would be called to the attention of the court for such action as the court deemed proper including dismissal of the appeal; (2) on November 15, 2000, Appellant moved for relief from default; (3) on November 21, 2000, this court granted Appellant's request and ordered that the opening brief be filed forthwith; and (4) Appellant did not comply with the November 21, 2000 order and file his opening brief. Therefore,

IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, January 8, 2001.