

NO. 23715

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF
AMERICA, A FEDERALLY CHARTERED SAVINGS AND LOAN
ASSOCIATION, Plaintiff-Appellee

vs.

JOHN WAYNE HERRING and MARY ELIZABETH
HERRING, Defendants-Appellants

APPEAL FROM THE FIFTH CIRCUIT COURT
(CIV. NO. 97-226)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that this court informed Appellants John W. Herring and Mary E. Herring by letter dated January 18, 2001, that the time for filing the opening brief expired on December 10, 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; and Appellants having failed to respond to said letter or to otherwise oppose dismissal; therefore,

IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, February 6, 2001.