

NO. 23944

IN THE SUPREME COURT OF THE STATE OF HAWAII

CLARENCE S. ONAKA, Plaintiff-Appellee

vs.

ALLYSON L. ONAKA, Defendant-Appellant

APPEAL FROM THE FAMILY COURT OF THE SECOND CIRCUIT
(FC-D NO. 96-0411)

ORDER DISMISSING APPEAL

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

Upon review of the statements supporting and contesting jurisdiction and the record, it appears that: (1) the filing of the petition for bankruptcy by Appellant on June 20, 2000 operated as a stay of the continuation of FC-D 96-0411; 11 U.S.C. § 362; (2) the bankruptcy stay applied to Appellant's appeal of the family court's November 13, 2000 orders; (3) the appeal of the November 13, 2000 orders was filed while the bankruptcy stay was in effect and the December 11, 2000 notice of appeal is invalid; Cf. Island Ins. Co., Inc. v. Santos, 86 Hawai'i 363, 366, 949 P.2d 203, 206 (App. 1997); (4) the bankruptcy court's September 20, 2000 order did not lift the bankruptcy stay for purposes of appeal; and, thus, (5) we lack jurisdiction over this appeal. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, March 21, 2001.