

NO. 25088

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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KENNETH M. KUDO, Plaintiff-Appellant

vs.

VANESSA PARAGES and RICKY PARAGES, Defendants-Appellees

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APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT  
(CIV. NO. 00-036PN; SMALL CLAIMS NO. 01-0186PN)

ORDER

(By: Moon, C.J., Levinson, Nakayama, and Acoba, JJ.  
and Intermediate Court of Appeals Associate Judge  
Daniel R. Foley assigned by reason of vacancy)

Upon consideration of: (1) Defendant-Appellee Vanessa Parages's motion for reconsideration of order granting motion for third extension of time to file opening brief, to strike opening brief, and to dismiss the appeal of Plaintiff-Appellant Kenneth M. Kudo and papers in support; (2) Plaintiff-Appellant Kenneth M. Kudo's reply to Defendant-Appellee's motion; and (3) the records and files herein, it appears that: (1) on October 25, 2002, the supreme court clerk's office informed Appellant that the opening brief was in default and that the matter would be brought to the attention of the court and that the appeal could be dismissed; (2) thereafter, this court granted Appellant's request for an extension of time and extended the time to file the opening brief to November 17, 2002; (3) Appellant did not file the opening brief on November 17, 2002; (4) Defendant-Appellee now moves for reconsideration of the order granting an extension of time and to

dismiss the appeal because Appellant failed to file the opening brief and did not properly serve all documents; (5) in response, Appellant states that there is no objection to dismissal of the appeal and agrees to withdraw the instant appeal. Therefore,

IT IS HEREBY ORDERED that the motion to dismiss the appeal is granted, and this appeal is dismissed.

DATED: Honolulu, Hawai'i, January 9, 2003.

Thomas L.H. Yeh (Tsukazaki  
Yeh & Moore), on the motion  
for defendant-appellee  
Vanessa Parages.

Nathan R. Brenner, on the  
reply for plaintiff-appellant.