

*** NOT FOR PUBLICATION ***

NO. 25842

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

COLONY SURF, LTD., a Hawai'i corporation, Plaintiff-Appellee

vs.

POHAKU FUNDING AND INVESTMENT CORPORATION, trustee of the
2895-201 Kalakaua Land Trust, Defendant-Appellant

and

KEYSTONE FINANCIAL BANK, N.A., Defendant-Appellee

and

JOHN DOES 1-10; JANE DOES 1-10; DOE CORPORATIONS 1-10; DOE
PARTNERSHIPS 1-10; DOE GOVERNMENTAL ENTITIES 1-10; Defendants

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 01-1-3380)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that this court informed Appellant by letter dated October 10, 2003, that the time for filing the opening brief expired on August 30, 2003, 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

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dismissal of the appeal. Appellant having failed to respond to said letter or to otherwise oppose dismissal,

IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, November 18, 2003.