

NO. 26748

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

JANE DOE, Petitioner-Appellee

vs.

JOHN DOE, Respondent-Appellant

and

RICHARD SMITH, Respondent

APPEAL FROM THE FIRST CIRCUIT COURT
(FC-P NO. 98-1031)

ORDER GRANTING PETITIONER-APPELLEE'S MOTION TO DISMISS APPEAL
(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon consideration of Petitioner-Appellee Jane Doe's motion to dismiss the appeal of Respondent-Appellant John Doe, the papers in support, and the records and files herein, it appears that: (1) on August 9, 2004, Appellant filed a notice of appeal; (2) Appellant did not file a civil appeal docketing statement, a statement of jurisdiction, or an opening brief; (3) on October 27, 2004, the supreme court clerk's office notified Appellant that the statement of jurisdiction was in default; (4) on December 3, 2004, the supreme court clerk's office informed Appellant that the opening brief was in default; (5) Appellant did not seek relief from default or file a statement of jurisdiction and opening brief; and (6) Appellant filed no opposition to the motion to dismiss. Therefore,

IT IS HEREBY ORDERED that the motion to dismiss is granted, and this appeal is dismissed pursuant to HRAP Rule 30.

DATED: Honolulu, Hawai'i, December 23, 2004.

Frank T. Lockwood
and Charlene M. Norris
for petitioner-appellee
on the motion