

*** NOT FOR PUBLICATION ***

NO. 26833

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

ARTHUR RUDOLPH ASTEL and MARGARET ASTEL, Plaintiffs-Appellees

vs.

MICHAEL HARVEY JAMES LINDSAY, SUSAN LINDSAY, JOHN DOES 1-5, JANE DOES 1-5, DOE CORPORATIONS 1-5, DOE PARTNERSHIPS 1-5 and DOE GOVERNMENTAL ENTITIES 1-5, Defendants-Appellants

APPEAL FROM THE THIRD CIRCUIT COURT
(CIV. NO. 01-1-0362)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that (1) the supreme court clerk's office informed Appellants, by letter dated December 6, 2004, that the record on appeal cannot be filed without payment of the filing fee pursuant to Rule 3(f) of the Hawai'i Rules of Appellate Procedure (HRAP) or an executed motion to proceed in forma pauperis pursuant to HRAP Rule 24 and that the matter would be called to the attention of the court for such action as the court deemed proper pursuant to HRAP Rule 11(a), including dismissal of the appeal; and (2) appellants failed to pay the filing fee or submit a motion to proceed in forma pauperis; therefore,

IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, December 20, 2004.