

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 28013

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

HUI-YIN CHENG, Plaintiff-Appellee,

v.

JEN-YANG CHANG, Defendant-Appellant

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

2007 FEB -9 PM 3:24

FILED

APPEAL FROM CIRCUIT COURT OF THE THIRD CIRCUIT
HILO DIVISION
(FC-D NO. 03-1-0282)

ORDER GRANTING PLAINTIFF-APPELLEE'S
MOTION TO DISMISS APPEAL

(By: Burns, C.J., Lim and Foley, JJ.)

Upon consideration of Plaintiff-Appellee Hu-Yin Cheng's motion to dismiss the appeal of Defendant-Appellant Jen-Yang Chang, the papers in support, and the records and files herein, it appears: (1) on November 22, 2006, the court notified Appellant that the statement of jurisdiction was due December 2, 2005, and the opening brief was due January 1, 2007; (2) on January 11, 2007, Appellee filed a motion to dismiss the appeal due to Appellant's failure to file the statement of jurisdiction and opening brief; (3) on January 26, 2007, the clerk's office informed Appellant the statement of jurisdiction and the opening brief were in default and that the matter would be called to the attention of the appellate court on February 2, 2007, and the appeal may be dismissed; (4) Appellant did not respond to the

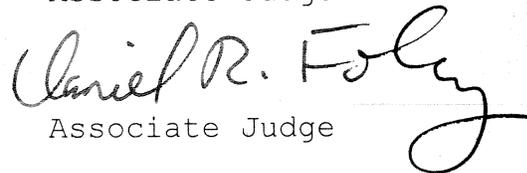
motion to dismiss or the default letter and he did not file the statement of jurisdiction and opening brief. Therefore,

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

DATED: Honolulu, Hawai'i, February 9, 2007.


Chief Judge


Associate Judge


Associate Judge