

NO. 28039

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

RANDOLPH J. AMEN; "FRISCO"; a canine service animal,
Plaintiffs-Appellants/Cross-Appellees,
v.
LISA MALMBERG; McCULLY ASSOCIATES,
Defendants-Appellees/Cross-Appellants

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1RC06-1-0906)

ORDER DISMISSING APPEAL

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

Upon consideration of the Notice of Suggestion of Death
Upon the Record filed by Defendant-Appellee McCully Associates,
the papers in support, and the records and files herein, it
appears that: (1) according to the copy of the obituary submitted
by Defendant-Appellee, Plaintiff-Appellant Randolph J. Amen
passed away on December 29, 2006; (2) pursuant to HRAP Rule
43(a), if a party dies while an appeal is pending in the
appellate court, the court may substitute the personal
representative of the deceased party as a party on motion filed
by the representative or by any party, and if a deceased party
has no representative, any party may suggest the death on the
record, and proceedings shall be had as the appellate court shall
direct; (3) no motion for substitution has been filed.
Therefore,

EM RUIRANNO
CLERK OF THE COURT
STATE OF HAWAII

2007 FEB -8 AM 8:09

FILED

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

IT IS HEREBY ORDERED that the appeal is dismissed pursuant to HRAP Rule 43(a).

Dated: Honolulu, Hawai'i, February 8, 2007.

James L. Burns
Chief Judge

A large, stylized signature in black ink, consisting of a large loop on the left and a horizontal line on the right.

Associate Judge

Clare R. Foley
Associate Judge