

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

NO. 28272

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

SUSAN CUMMINGS, Plaintiff-Appellee, Cross-Appellant, v. MARLENE ROTH, Defendant-Appellant, Cross-Appellee, GIANFRANCO CONTESINI, KARL C. DILLER, ELIZABETH GINSBURG, and BERNARD PURDY, Defendants-Appellees, and MILES KIMHAN and SUZETTE KIMHAN, Defendants

HONOLULU, HAWAII
APPELLATE COURTS
A. T. YARA

2007 SEP 4 PM 2:32

FILED

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(Civ. No. 04-1-0836)

ORDER DISMISSING CROSS-APPEAL

(By: Recktenwald, C.J., Watanabe, and Nakamura, JJ.)

Upon review of the record, it appears that: (1) on November 22, 2006, Plaintiff/Cross-Appellant Susan Cummings ("Cross-Appellant") filed a notice of appeal; (2) on January 8, 2007, the appellate clerk filed a notice of entering case on calendar and notified Cross-Appellant the statement of jurisdiction was due on January 18, 2007 and the opening brief was due on February 17, 2007; (3) Cross-Appellant did not file the statement of jurisdiction or the opening brief; (4) on July 16, 2007, the appellate clerk informed Cross-Appellant the time for filing the statement of jurisdiction and the opening brief expired, and that the matter would be called to the attention of the court on July 23, 2007 for such action as the court deemed proper and the appeal may be dismissed pursuant to HRAP Rule 30; and (5) Cross-Appellant did not file the statement of jurisdiction or the opening brief. Therefore,

IT IS HEREBY ORDERED that the cross-appeal is dismissed pursuant to HRAP Rule 30.

DATED: Honolulu, Hawaii, September 4, 2007.

Mark E. Recktenwald

Chief Judge

Corinne K. Watanabe

Associate Judge

Craig W. Nakamura

Associate Judge