

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

NO. 28284

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

M.K. KIPAIPAI HOLDINGS, Plaintiff-Appellee,
v.
SIUSOTA CHEUNGSON and FELIX CHEUNGSON,
Defendants-Appellants,
and
JOSEPH ARRUDA, TAGI ARRUDA, JOHN DOES 2-50,
JANE DOES 2-50, DOE PARTNERSHIPS 1-50;
DOE CORPORATIONS 1-50; DOE ENTITIES 1-50
and DOE GOVERNMENTAL UNITS 1-50, Defendants

and

SIUSOTA CHEUNGSON and FELIX CHEUNGSON,
Counterclaimants-Appellants,
v.
M.K. KIPAIPAI HOLDINGS,
Counterclaim Defendant-Appellee,
and
ASSOCIATION OF APARTMENT OWNERS OF HALE OLA,
Additional Counterclaim Defendant-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 06-1-0189)

ORDER GRANTING MOTION TO DISMISS APPEAL
(By: Recktenwald, C.J., Watanabe and Foley, JJ.)

Upon consideration of Additional Counterclaim Defendant-Appellee Association of Apartment Owners of Hale Ola's motion to dismiss the appeal of Defendants-Appellants Siusota Cheungson and Felix Cheungson due to Appellants' failure to file the opening brief, the papers in support, and the records and files herein, it appears that: (1) Appellants filed a notice of appeal on November 27, 2006; (2) after obtaining one extension of time, the opening brief became due on April 6, 2007; (3)

K. HANAKAHO
CLERK APPELLATE COURTS
STATE OF HAWAII

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Appellants did not file the opening brief; (4) on May 7, 2007, the appellate clerk informed Appellants that the opening brief was in default and that the matter would be brought to the attention of the court on May 14, 2007, and the appeal may be dismissed; (5) Appellants did not file the opening brief or respond to the default letter; (6) Appellants did not respond or otherwise oppose the motion to dismiss the appeal. Therefore,

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

DATED: Honolulu, Hawai'i, May 17, 2007.

Maui E. Reed

Chief Judge

Corinne K. A. Watanabe

Associate Judge

Daniel R. Foley

Associate Judge