

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

NO. 29042

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

DE MONT R. D. CONNER, Plaintiff-Appellant,

v.

DR. CAROL TYLER, and HONOLULU FAMILY THERAPY CENTER,
Defendants-Appellees,

and

DOE INSURANCE COMPANY, Defendants.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIV. NO. 07-1-1810)

ORDER DISMISSING APPEAL

(By: Recktenwald, C.J., Fujise and Leonard, JJ.)

Upon consideration of Defendant-Appellees Carol Tyler and the Honolulu Family Therapy Center's Motion to Dismiss Plaintiff's Appeal and/or to Strike Opening Brief, the papers in support, and the records and files herein, it appears that:

(1) Plaintiff-Appellant De Mont R. D. Conner (Appellant) filed a notice of appeal on February 29, 2008; (2) on April 29, 2009, the appellate clerk notified Appellant that the jurisdictional statement was due on May 9, 2008 and the opening brief was due on June 8, 2008; (3) Appellant did not file either document; (4) on June 17, 2008, Appellees filed a motion to dismiss the appeal because Appellant failed to file the opening brief; (5) Appellant did not respond to the motion to dismiss; (6) on June 23, 2008, the appellate clerk informed Appellant that: (a) the time to file the statement of jurisdiction and the opening brief had expired; (b) the matter would be called to the attention of the court on June 30, 2008; and (c) the appeal may be dismissed; and (7) Appellant did not file the statement of jurisdiction or the

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CLERK, APPELLATE COURTS
STATE OF HAWAII

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opening brief and did not seek relief from default. Therefore,

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

DATED: Honolulu, Hawai'i, July 31, 2008.

Mam Richardson
Chief Judge

Alana De Jager
Associate Judge

[Signature]
Associate Judge