

NO. 29134

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

TIMOTHY E. BATES, Claimant-Appellant/Appellee

v.

KEVIN M. HUGHES, dba SOUTH PACIFIC PAINTING,  
Employer-Cross-Appellant/Delinquent-Appellant,

and

ALOHA PAINTING, Employer-Appellee/Delinquent-Appellee,

and

SPECIAL COMPENSATION FUND, Appellee-Appellee.

APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD  
(CASE NO. AB 2005-441(M) (7-04-03265) (7-04-02843))

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 30  
(By: Foley, Presiding Judge, Fujise and Leonard, JJ.)

Upon review of the record, it appears that:

(1) Claimant-Appellant Timothy E. Bates (Appellant) filed a notice of appeal on April 28, 2008; (2) on June 27, 2008, the appellate clerk filed a notice of entering case on calendar and notified Appellant the jurisdictional statement was due on July 7, 2008 and the opening brief was due on August 6, 2008; (3) Appellant did not file the jurisdictional statement or the opening brief; (4) on August 14, 2008, the appellate clerk informed Appellant that: (a) the time for filing the jurisdictional statement and the opening brief expired; (b) the matter would be brought to the attention of the court on August 21, 2008 for such action as the court deems proper; and (c) the appeal may be dismissed pursuant to HRAP Rule 30; and

K. HAMAKADO  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

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FILED

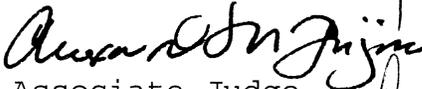
NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

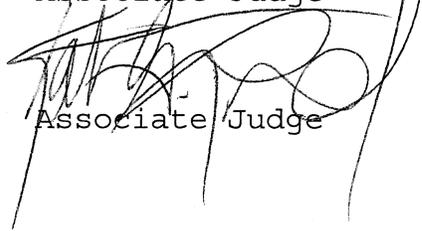
(5) Appellant did not file the statement of jurisdiction and the opening brief, or seek relief from default. Therefore,

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

DATED: Honolulu, Hawai'i, September 10, 2008.

  
Daniel R. Foley  
Presiding Judge

  
Alexander N. Jizine  
Associate Judge

  
Associate Judge