

NO. 29190

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

ALEXANDER & BALDWIN, Plaintiff-Appellee,

v.

HEIRS and/or Assigns of MAIKAULA,
HEIRS and/or Assigns of PAUPAU,
HEIRS and/or Assigns of ALULILILII,
HEIRS and/or Assigns of MIRIAM ILALAOLE,
HEIRS and/or Assigns of KAANE,
HEIRS and/or Assigns of KINOULU,
HEIRS and/or Assigns of KAMAI,
HEIRS and/or Assigns of KEALOHA KAUALELAU,
HEIRS and/or Assigns of JOHN PAKA;
and ALL WHOM IT MAY CONCERN, Defendants-Appellees,

and

PALANI VAUGHAN, JR., Defendant-Appellant.

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CIVIL NO. 05-1-0105)

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

Upon review of the record it appears that: (1) on May 22, 2008, Defendant-Appellant Palani Vaughn, Jr. (Appellant) filed a notice of appeal; (2) on July 21, 2008, the appellate clerk filed a notice of entering case on calendar and notified Appellant the statement of jurisdiction was due on July 31, 2008 and the opening brief was due on August 30, 2008; (3) Appellant filed the statement of jurisdiction on July 31, 2008; (4) thereafter, the court granted Appellant three extensions of time to file the opening brief, and the opening brief became due on December 15, 2008; (5) Appellant did not file the opening brief; (6) on December 19, 2008, the appellate clerk informed Cross-Appellant the time for filing the opening brief expired, and that the matter would be called to the attention of the court

EM. RIMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAII

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FILED

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

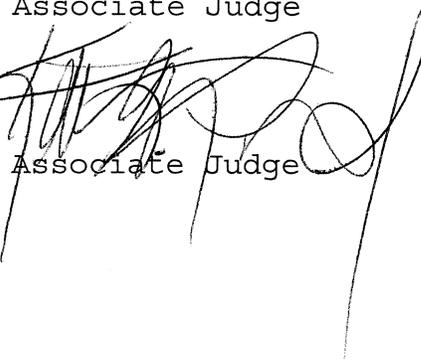
on December 26, 2008 for such action as the court deemed proper and the appeal may be dismissed pursuant to HRAP Rule 30; and (7) Appellant did not file the opening brief or seek relief from default.

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

DATED: Honolulu, Hawai'i, January 5, 2009.


Daniel R. Foley
Presiding Judge


Curtis M. McLean
Associate Judge


Associate Judge