

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 29275

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

HIDEO MILNE and ATOLL AQUATICS, INC.,
a foreign corporation, Plaintiffs-Appellants

v.

ELC FOUNDATION, a Hawai'i Non-Profit Corporation, and
ELAINE LOUI CHANG, Defendants-Appellees,

and

DOE DEFENDANTS 1-50, Defendants

ELC FOUNDATION, a Hawai'i Non-Profit Corporation and
ELAINE LOUI, Third-Party Plaintiffs-Appellees,

v.

CONRAD DEPARINI dba Asia Pacific Distributors,
Third-Party Defendants-Appellees

and

DOE DEFENDANTS 1-50, Third-Party Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 04-1-2392)

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 30
(By: Watanabe, Acting C.J., Foley and Nakamura, JJ.)

Upon review of the record, it appears that: (1) on July 22, 2008, Plaintiffs-Appellants Hideo Milne and Atoll Aquatics, Inc. (Appellants) filed a notice of appeal; (2) on January 20, 2009, the appellate clerk filed a notice of entering case on calendar and notified Appellants the jurisdictional statement was due on January 30, 2009 and the opening brief was due on March 1, 2009; (3) Appellants did not file the required documents; (4) on March 13, 2009, the appellate clerk informed Appellants: (a) the time for filing the statement of jurisdiction

Jean K. Kikimoto
CLERK, APPELLATE COURT
STATE OF HAWAII

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and opening brief expired; (b) the matter would be called to the attention of the court for such action as the court deemed proper; and (c) the appeal may be dismissed pursuant to HRAP Rule 30; (5) Appellants moved for extensions of time, and on March 30, 2009, the court granted the motion and extended the jurisdictional statement due date to April 15, 2009 and extended the opening brief due date to May 29, 2009; (6) Appellants did not file the jurisdictional statement or the opening brief; (7) on June 5, 2009, the appellate clerk informed Appellants: (a) the time for filing the statement of jurisdiction and opening brief expired; (b) the matter would be called to the attention of the court on June 12, 2009 for such action as the court deemed proper; and (c) the appeal may be dismissed pursuant to HRAP Rule 30; (8) Appellants did not file the jurisdictional statement and 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, July 29, 2009.

Brunie K. A. Watanabe

Acting Chief Judge

Daniel R. Foley

Associate Judge

Cos. H. Nakamura

Associate Judge