

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

NO. 29489

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

PALOLO VALLEY HOMES, a Hawai'i Limited Partnership
Plaintiff-Appellee,

v.

JOSEPH IGBER, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1RC07-1-7565)

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 November 24, 2008, Defendant-Appellant Joseph Igber (Appellant) filed a notice of appeal; (2) on January 23, 2009, the appellate clerk filed a notice of entering case on calendar and notified Appellant the statement of jurisdiction was due on February 2, 2009 and the opening brief was due on March 4, 2009; (3) Appellant filed the statement of jurisdiction; (4) Appellant did not file the opening brief; (5) on March 13, 2009, the appellate clerk informed Appellant that: (a) the time for filing the opening brief expired; (b) the matter would be called to the attention of the court for such action as the court deems proper; and (c) the appeal may be dismissed pursuant to HRAP Rule 30; (6) on March 24, 2009, this court granted Appellant's motion for relief from default and extended the opening brief due date to June 20, 2009; (7) the order provided that the court would grant no further extensions of time; (8) although the court indicated it would grant no further extensions of time, on June 15, 2009, Appellant submitted another motion for an enlargement of time to file the opening brief; (9) on June 17, 2009, this court denied the motion; (10) Appellant did not file the opening brief; (11) on June 26, 2009, the appellate clerk informed Appellant that: (a) the time for filing the opening brief expired on

2009 JUL 29 AM 9:25
JENNIFER KIMBATO
CLERK, APPELLATE COURTS
STATE OF HAWAII

FILED

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

June 20, 2009; (b) the matter would be called to the attention of the court on July 6, 2009 for such action as the court deems proper; and (c) the appeal may be dismissed pursuant to HRAP Rule 30; and (12) 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, July 29, 2009.

Corinne K. A. Watanabe

Acting Chief Judge

Samuel R. Foley

Associate Judge

Craig W. Nakamura

Associate Judge