

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

NO. 29641

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

BANK OF NEW YORK AS TRUSTEE FOR THE BENEFIT
OF THE CERTIFICATEHOLDERS OF CWABS 2005-02, Plaintiff-Appellee

v.

MELITON BAGOYO BATAD, and
DWAYNE CONRAD BATAD, Defendants-Appellants,

and

DIRECTOR, DEPARTMENT OF TAXATION,
STATE OF HAWAII, et al., Defendants,
(CIVIL NO. 07-1-0919)

and

MELITON BAGOYO BATAD and
DWAYNE CONRAD BATAD, Appellants-Appellants,

v.

BANK OF NEW YORK, AS TRUSTEE FOR THE BENEFIT
OF THE CERTIFICATEHOLDERS OF CWABS 2005-02 BY COUNTRYWIDE
HOME LOANS, INC., a New York Corporation, As Attorney-In-Fact,
COUNTRYWIDE HOME LOANS, INC., a New York Corporation,
Appellees-Appellees,

and

NAFETALAI FINAU and ANA MANU FINAU, husband and wife,
Appellees
(CIVIL NO. 07-1-0934)

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT

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) on February 6, 2009, Defendants-Appellants Meliton Bagoyo Batad and Dwayne Conrad Batad (Appellants) filed a notice of appeal; (2) on April 7, 2009, the appellate clerk filed a notice of entering

KHAMAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAII

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FILED

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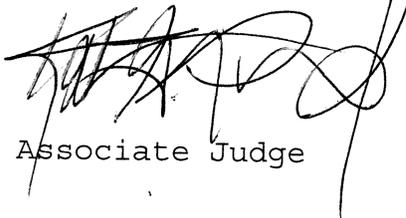
case on calendar and notified Appellants the jurisdictional statement was due on April 17, 2009 and the opening brief was due on May 17, 2009; (3) Appellants filed the jurisdictional statement, but they did not file the opening brief; (4) on May 29, 2009, the appellate clerk informed Appellants: (a) the time for filing the opening brief expired; (b) the matter would be called to the attention of the court on June 5, 2009 for such action as the court deemed proper; and (c) the appeal may be dismissed pursuant to HRAP Rule 30; and (4) Appellants 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 24, 2009.


Presiding Judge


Associate Judge


Associate Judge