

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 27979

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

DANNY CANH TRAN, Plaintiff-Appellee,
v.
HANH PHI TRAN, Defendant-Appellant

KHAMAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2007 APR -3 PM 3:07

FILED

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-D NO. 04-1-0775)

ORDER DISMISSING THE APPEAL

(By: Burns, C.J., Lim and Foley, JJ.)

Upon review of the record, it appears that (1) counsel for Appellant, by letter dated January 2, 2007, informed the court that the parties are in the process of signing a stipulation to dismiss this appeal and that it might take a little time because Appellee is in Viet Nam; (2) that the appellate clerk, by letter dated January 19, 2007, informed Appellant that the time for filing the opening brief expired on November 27, 2006 and that, pursuant to Rule 30 of the Hawai'i Rules of Appellate Procedure, the matter would be called to the attention of the court for such action as the court deems proper; (3) that counsel for Appellant, by letter dated January 22, 2007, once again informed the court that the parties had reached an agreement to dismiss this appeal, that the signed stipulation would be faxed to counsel for Appellee, and that the stipulation to dismiss will be submitted immediately to the court; and (4) the stipulation for dismissal has not been submitted to the court

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nor has Appellant filed the opening brief. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed.

The parties shall bear their own costs and fees.

DATED: Honolulu, Hawai'i, April 3, 2007.

James S. Burns
Chief Judge


Associate Judge

Daniel R. Foley
Associate Judge