

NO. 28446

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

GWENNYTH L. WINTERMEYER,
Plaintiff-Appellee

v.

DAVID H. WINTERMEYER,
Defendant-Appellant.

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

2007 NOV -6 PM 1:40

FILED

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(FCD 03-1-0328)

ORDER DISMISSING APPEAL

(By: Recktenwald, C.J., Watanabe and Nakamura, JJ)

Upon review of the record, it appears that: (1) on March 9, 2007, Defendant-Appellant David Wintermeyer filed a notice of appeal; (2) on July 20, 2007, the court granted Appellant an extension to September 17, 2007 to file the opening brief; (3) Appellant did not file the opening brief; (4) on October 5, 2007, 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 on October 12, 2007 for such action as the court deems proper; and (c) the appeal may be dismissed; (5) Appellant did not respond to the default letter or file the opening brief. Therefore,

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

DATED: Honolulu, Hawai'i, November 6, 2007.

Man Heald
Chief Judge

Corinne K.A. Wetanaka
Associate Judge

Cory A. Nakamura
Associate Judge