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Intermediate Court of Appeals
CAAP-16-0000416
27-JUL-2016
07:56 AM

NO. CAAP-16-0000416

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

JP MORGAN CHASE BANK, NATIONAL ASSOCIATION, Plaintiff-Appellee,
v.
SAKAYE MINAMI FUJII, Defendant-Appellant,
and
ASSOCIATION OF APARTMENT OWNERS OF 1634 NUUANU,
Defendant-Appellee,
and
JOHN DOES 1-50; JANE DOES 1-50;
DOE PARTNERSHIPS 1-50; DOE CORPORATIONS 1-50;
DOE ENTITIES 1-50, and DOE GOVERNMENTAL UNITS 1-50,
Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 13-1-2270-08)

ORDER RE RESPONSE TO ORDER TO SHOW CAUSE
AND
ORDER DISMISSING IN PART THE
JULY 18, 2016 WITHDRAWAL OF APPEAL WITHOUT PREJUDICE
AND THE APPEAL IS DISMISSED

(By: Nakamura, C.J., Foley and Fujise, JJ.)

Upon review of the "Response to OSC and Withdrawal of Appeal Without Prejudice," filed July 18, 2016, by Defendant-Appellant Sakaye Minami Fujii (Appellant), through attorney Anthony T. Fujii (Counsel), the papers in support, and the record, it appears that:

(1) On July 6, 2016, the court ordered Appellant to file a civil appeals docketing statement within five days from the date of the order, and Counsel to show cause, within ten days from the date of the order, indicating why the civil appeals docketing statement had not been filed;

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

(2) On July 13, 2016, the court extended the time to file a civil appeals docketing statement to July 25, 2016;

(3) In what appears to be a joint response to the July 6, 2016 order to show cause to Counsel, and a motion to dismiss the appeal, Counsel indicates he filed the notice of appeal but Appellant does not want him to represent her in this appeal, Appellant led counsel to believe a substitution of counsel would occur, a substitution did not occur because Appellant cannot find an attorney to take her case, and Appellant wants to withdraw the appeal "without prejudice to all parties and claims";

(4) No further action is necessary for the July 6, 2016 order to show cause to Counsel; and


(5) Hawai'i Rules of Appellate Procedure (HRAP) Rule 42(a) authorizes the court to dismiss an appeal upon a motion where, as here, the appeal has not been docketed.

Therefore, IT IS HEREBY ORDERED that no further action will be taken on the July 6, 2016 order to show cause to Anthony T. Fujii.

IT IS FURTHER ORDERED that the motion to dismiss the appeal is granted in part, and the appeal is dismissed.

DATED: Honolulu, Hawai'i, July 27, 2016.


Chief Judge


Associate Judge


Associate Judge