

*** NOT FOR PUBLICATION ***

NO. 27185

IN THE SUPREME COURT OF THE STATE OF HAWAII

K. HAMAKAKO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2005 DEC -8 PM 1:44

FILED

MARK NICHOLAS SYDNEY CHIN and JEANIE CHI HYON CHIN,
Plaintiffs-Appellees

vs.

DIANE KELLY LEILANI DALIT, aka DIANE KELLY LEILANI MACHADO, and
ANETI SUA PEDRO, Defendants-Appellants

and

EDGAR DEAN DALIT, and JOHN DOES 1-50; JANE DOES 1-50, Defendants

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 04-1-2040)

ORDER DISMISSING APPEAL

(By: Nakayama, J., for the court¹)

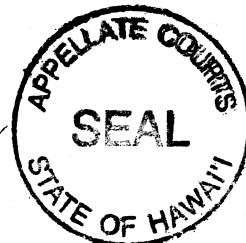
Upon review of the record, it appears that this court informed Appellants by letter dated November 4, 2005, that the time for filing the statement of jurisdiction expired on September 26, 2005, and the time for filing the opening brief expired on October 26, 2005 and that, pursuant to Rule 30 of the Hawai'i Rules of Appellate Procedure, the matter would be called to the attention of the court for such action as the court deemed proper including dismissal of the appeal. Appellants responded by letter dated November 14, 2005 that they would be filing a motion to dismiss appeal because the appeal was premature. No statement of jurisdiction and opening brief, or motion to dismiss having been filed,

IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, December 8, 2005.

FOR THE COURT:

Diana C. Nakayama
Associate Justice



¹Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.